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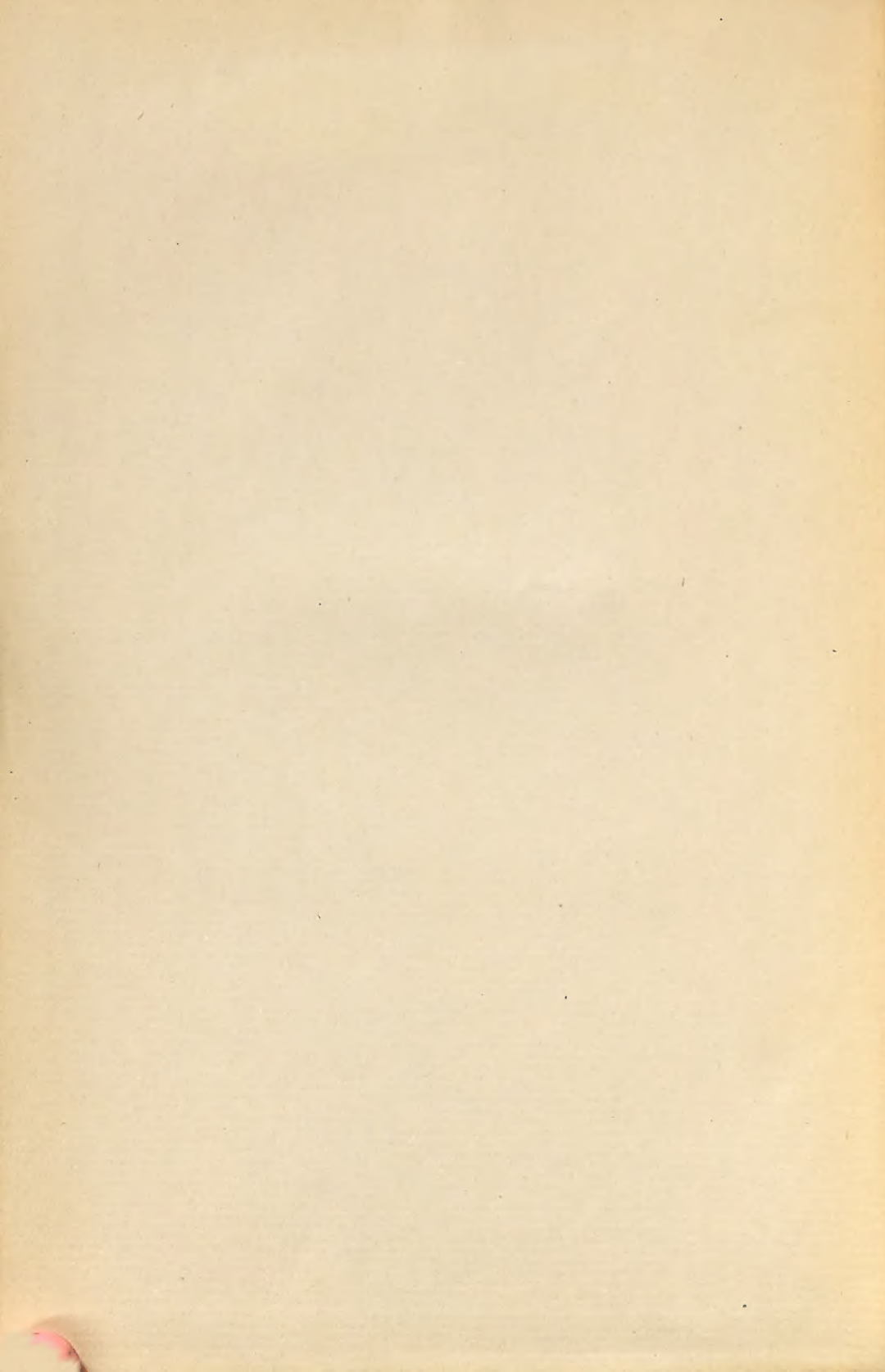
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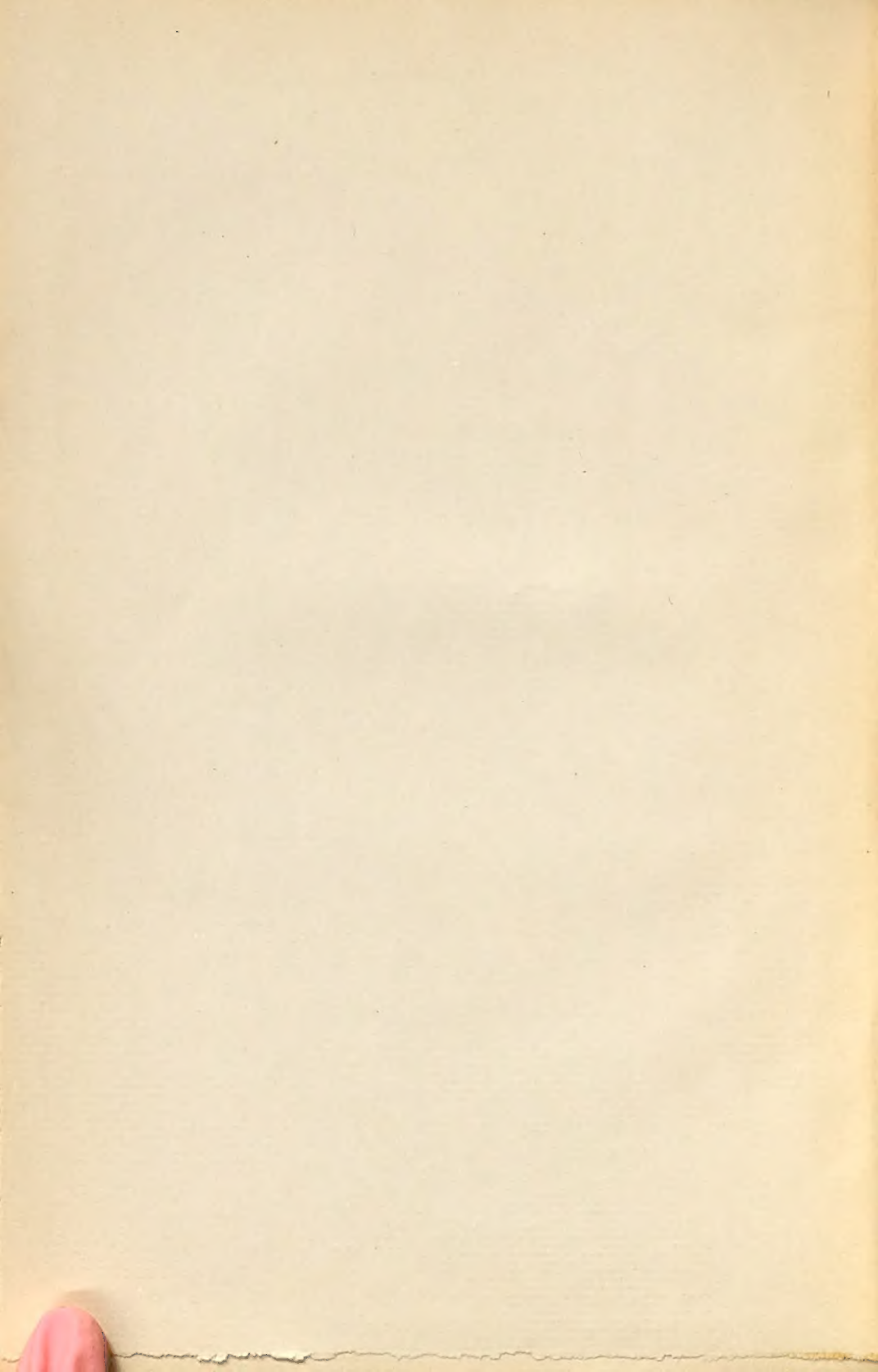
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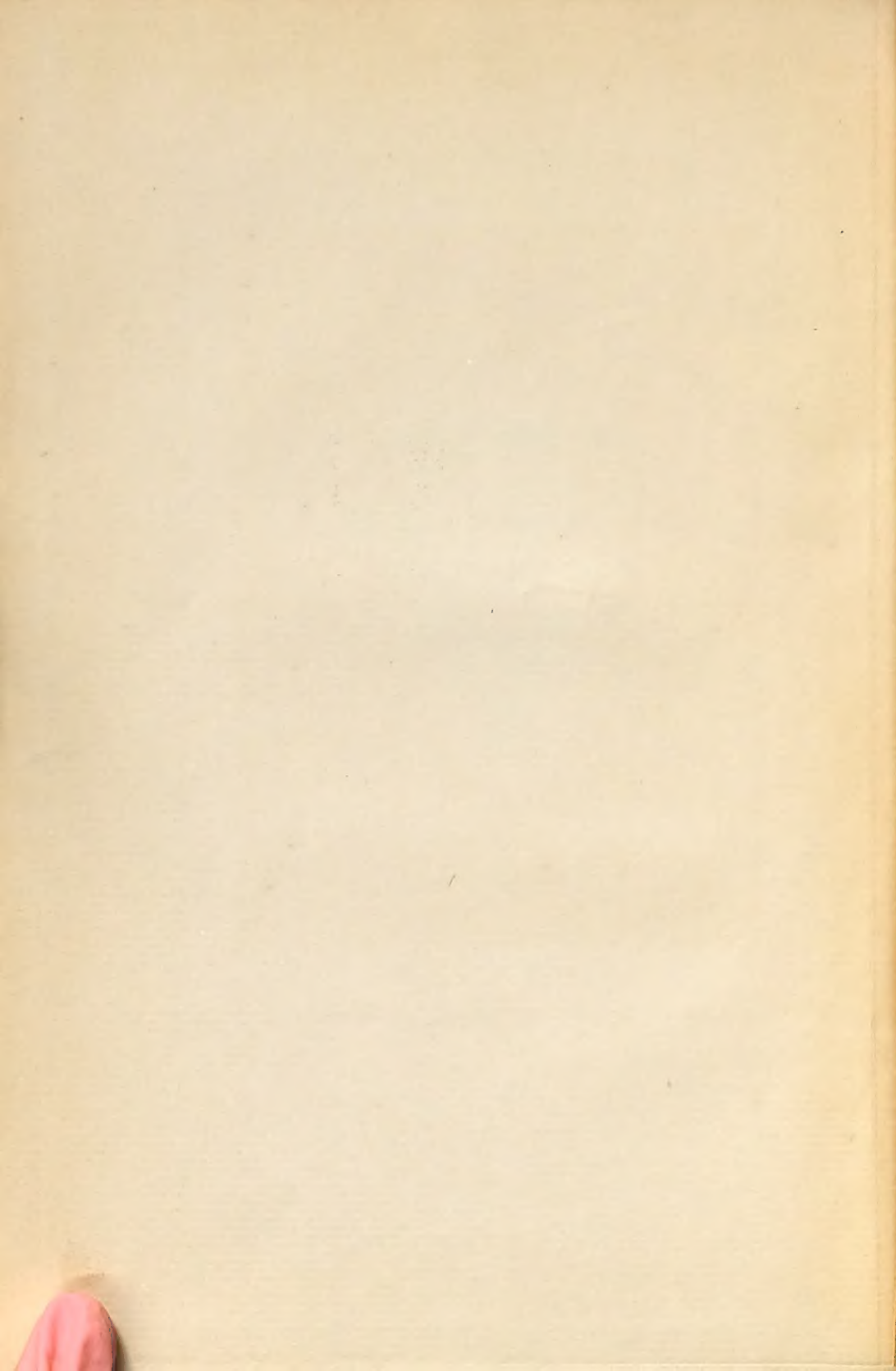


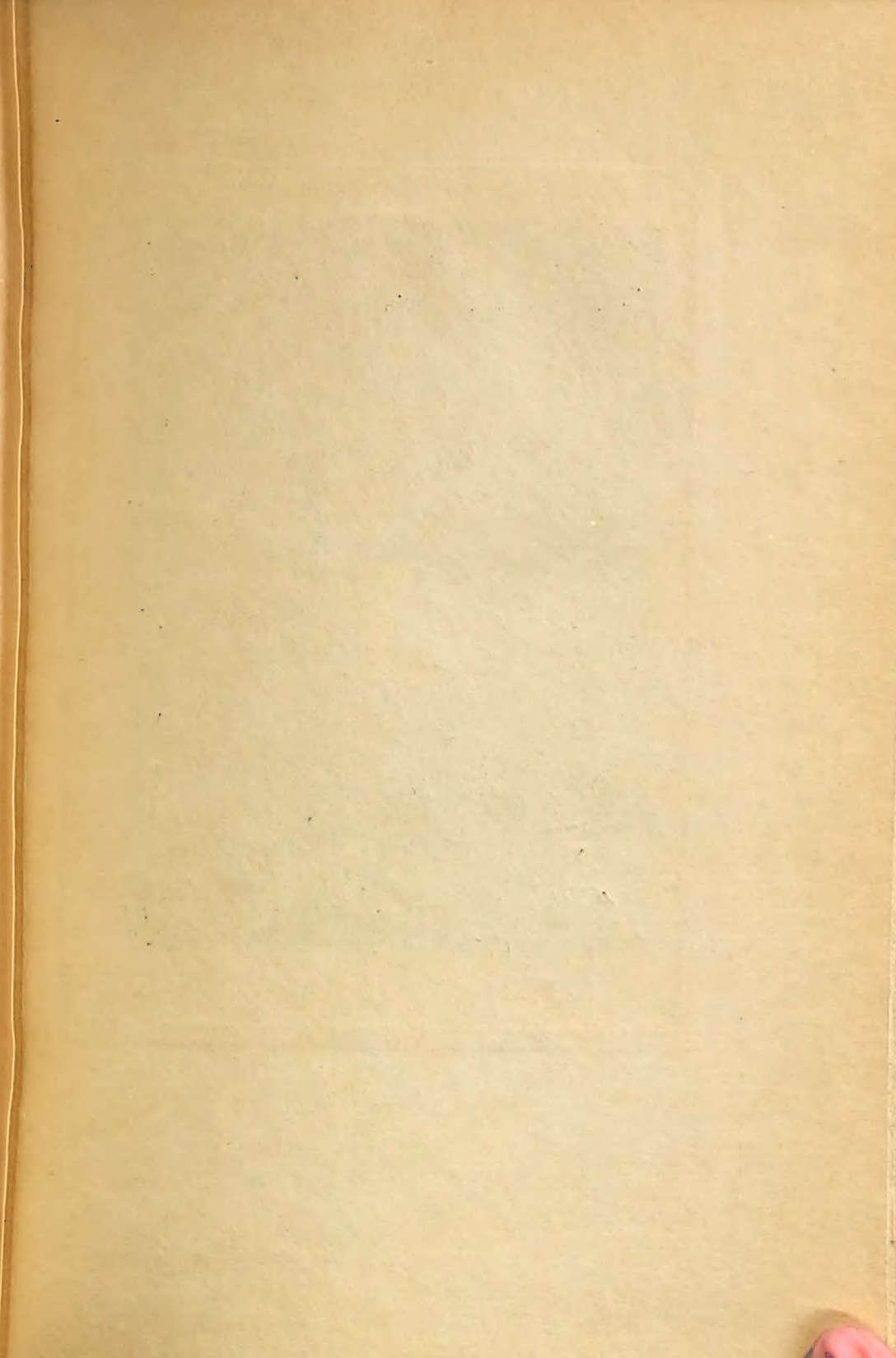
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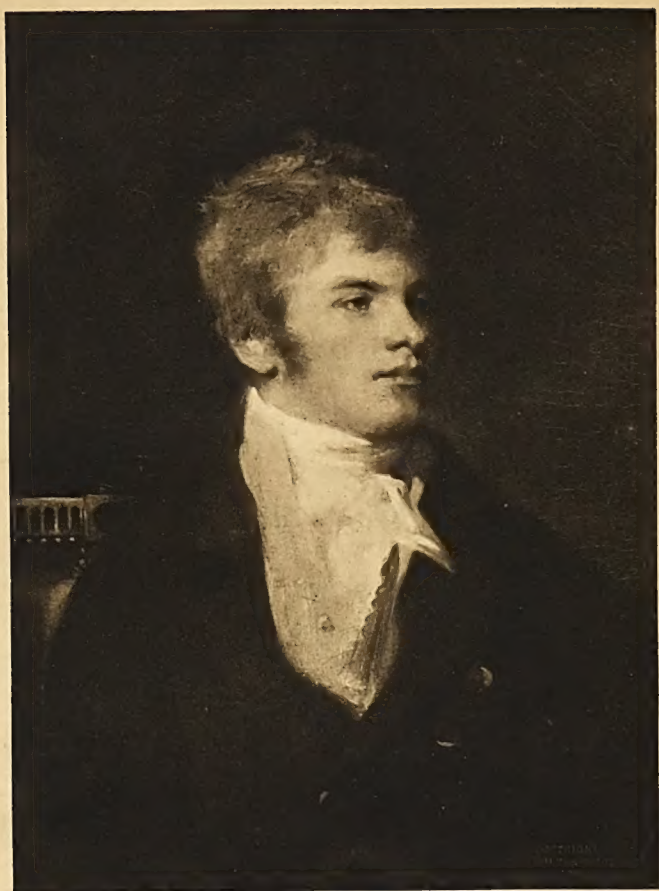
THE COMPLETE WRITINGS OF
LORD MACAULAY

IN TWENTY VOLUMES
VOLUME XVII









HENRY PETTY-FITZMAURICE, THIRD MARQUESS OF LANSDOWNE



Miscellanies

BY

THOMAS BABINGTON MACAULAY

IN FOUR VOLUMES

VOLUME I



BOSTON AND NEW YORK
HOUGHTON, MIFFLIN AND COMPANY

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For Special

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TO
HENRY
MARQUESS OF LANSDOWNE

THESE SPEECHES ARE DEDICATED
BY HIS GRATEFUL AND AFFECTIONATE FRIEND
THOMAS BABINGTON MACAULAY



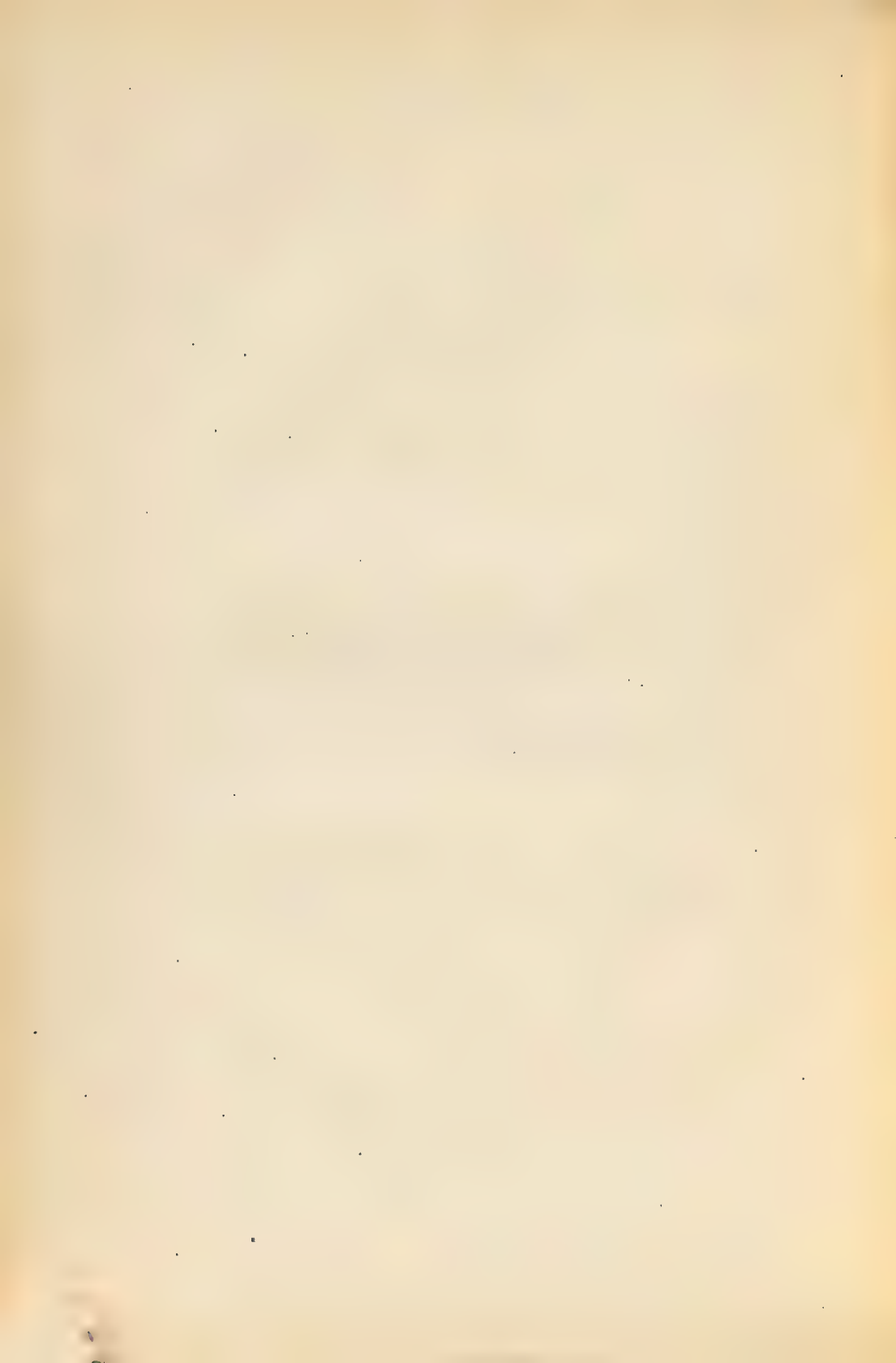
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INTRODUCTORY NOTE

MACAULAY'S speeches were as famous in their day as his essays. His speeches in the House of Commons upon the Reform Bill made his reputation as one of the foremost orators in England. Sir George Otto Trevelyan has described the effect of those speeches on the House as told by the men who heard them. Their verdict must be accepted, yet readers find a certain difficulty in old speeches however celebrated. The business of the orator is to persuade, and therefore his oration must be appropriate to the time and to his hearers. We have not the interests, the beliefs, the education, the fancies, and the fashions of Englishmen of two generations ago. That time is dead. As Heine says: —

“Es bleiben todt die Todten,
Und nur der Lebendige lebt.”

The dangers of refusing parliamentary reform in 1832 are no more terrible to us than Catiline or Philip of Macedon. We listen coldly to the pages of Cicero or Demosthenes. We must be persuaded through our intellects. The difference is that between the newspaper's account of last night's play and the well-graced actor. Yet Macaulay's speeches are interesting, even exciting, still. It is hardly possible to read the close of his first speech on the Reform Bill without a quickening of the blood. We find that we do care for the Constitution of England, the security of the Lords, the rights of the Commons, the avoidance of bloody revolution.

There is one respect in which the reader does not lose as much as he might. Macaulay lacked physical advantages. He was short and stout. “He had a massive head, and features of a powerful, rugged cast.” His voice was “monotonous, pitched in alto, shrill, pouring forth words with incredible velocity, — a

voice well adapted to give utterance with precision to the conclusions of the intellect, but in no way naturally formed to express feeling or passion." "His action — the little that he used — was rather ungainly." "Vehemence of thought, vehemence of language, vehemence of manner, were his chief characteristics. The listener might almost fancy he heard ideas and words gurgling in the speaker's throat for priority of utterance. There was nothing graduated or undulating about him. He plunged at once into the heart of the matter, and continued his loud resounding pace from beginning to end, without halt or pause."

The matter of Macaulay's speeches is characteristic of him. Here is common sense arguing on those reasons and facts which are weighty in English ears. He presents no theory yet unexplored, no appeals to fundamental principles, no abstract reasoning, no Plato's Republic, no More's Utopia. He puts forward arguments familiar in daily life, practical expositions of practical matters, rich with precedents and lessons of history. Macaulay does not address readers yet unborn, but the honorable gentlemen on the benches opposite. He meant his words to have immediate application and effect; if they were successful in that he cared little whether they should be remembered or forgotten. He prepared his speeches for publication because a bookseller, one Vizetelly, had published an edition of them, full of misstatements and errors, with an advertisement that they were published by special license. Macaulay had great literary sympathy with oratorical methods; but his own method was to assume — and as an Englishman addressing Englishmen, he was right — that common sense and practical considerations were the principles by which he should first be governed. Nevertheless he took advantage to the full of the effects of rhetoric. He was as careful of rhetoric in his speeches as in his history. His famous speeches were prepared with care. He was wont to think them out beforehand, learn them by heart, and to deliver them with such changes only as the immediate occasion required. Trevelyan says: "If a debate was in prospect, he would turn the subject over while he paced his chamber or tramped along the streets. Each thought, as it rose in his mind, embodied itself in phrases, and clothed itself in an appropriate drapery of images, instances, and quotations; and when, in the course of

his speech, the thought recurred, all the words which gave it point and beauty spontaneously recurred with it."

Form, sequence of thought, illustration, rhetoric, are all necessary even in an oration that is meant to appeal to the reason, for no body of men can hold the thread of an argument without devices to help them; if the art of the orator fails, that thread is lost, and the listeners yawn. Probably this is especially true of the House of Commons. That body is peculiar; there is no audience like it in the world. It is a club of English gentlemen. Macaulay himself said: "The House of Commons is a place in which I would not promise success to any man. It is the most peculiar audience in the world. I should say that a man's being a good writer, a good orator at the bar, a good mob-orator, or a good orator in debating clubs, was rather a reason for expecting him to fail than for expecting him to succeed in the House of Commons. A place where Walpole succeeded and Addison failed; where Dundas succeeded and Burke failed; where Peel now succeeds and where Mackintosh fails; where Erskine and Scarlett were dinner-bells; where Lawrence and Jekyll, the two wittiest men, or nearly so, of their time, were thought bores, is surely a very strange place." The House, it has been said, is the most severe audience in the world, and that he who can move it must be a great orator.

Macaulay's oratory was especially fitted for a parliamentary audience. He could not talk to a mob, he could not send soldiers to the breach, he could not persuade a company of kings or a body of Methodists; he had not the imaginative gifts necessary to throw himself into sympathy with men of all kinds; his mind was cast in the same English mould as those of his hearers, gentlemen educated at Oxford and Cambridge, devout believers in things English. Stores of information tell with the House of Commons, precedents are statutes to Englishmen. Some critic finds fault that Macaulay was wont to argue on authority, citing precedents from English political history, instead of making deductions from general principles. This criticism shows a forgetfulness of the nature of the House of Commons, and also marks the danger to which an orator is subject when he prints his speeches. The critic is not going to vote on the question; he has not the responsibility of action,

he feels no need of authority ; he forgets that he is reading an oration, not an essay.

Macaulay was always on the liberal side. His conceptions of duty, happiness, civilization, were strictly Whig. His first speech in Parliament was in favor of a bill to repeal the civil disabilities resting on the Jews ; his second in the interest of the abolition of slavery in the West Indies. He always speaks the speech of the Whig reformer, with full conviction that he is right. However vehement he was, Macaulay was above all fair in his purposes. He might pour forth invectives with the utmost partisan vigor, but he never used an argument which he did not believe to be true. He was a just man, and we may well believe him when he says in the preface to his speeches in 1853, "I have not made alterations for the purpose of saving my own reputation either for consistency or for foresight. I have not softened down the strong terms in which I formerly expressed opinions which time and thought may have modified ; nor have I retouched my predictions in order to make them correspond with subsequent events."

Effective as Macaulay was by his conviction, his vehemence, his swift speech, his mass of information, such possessions do not raise him to the rank of the great orators. Demosthenes on the Crown, Cicero against Catiline, Burke on Conciliation with America, Sheridan on Warren Hastings, Webster in reply to Hayne, constitute a different class ; yet Macaulay's speeches, in addition to their oratorical merits, tell so much about himself, they are so instructive upon a great English political party, that they have good right to continued republication and to the attention of men who are interested in oratory and rhetoric, in the political history of England toward the middle of this century, or in one of the most brilliant of Englishmen.

AUTHOR'S PREFACE

It was most reluctantly that I determined to suspend, during the last autumn, a work which is the business and the pleasure of my life, in order to prepare these Speeches for publication, and it is most reluctantly that I now give them to the world. Even if I estimated their oratorical merit much more highly than I do, I should not willingly have revived, in the quiet times in which we are so happy as to live, the memory of those fierce contentions in which too many years of my public life were passed. Many expressions which, when society was convulsed by political dissension, and when the foundations of government were shaking, were heard by an excited audience with sympathy and applause, may, now that the passions of all parties have subsided, be thought intemperate and acrimonious. It was especially painful to me to find myself under the necessity of recalling to my own recollection, and to the recollection of others, the keen encounters which took place between the late Sir Robert Peel and myself. Some parts of the conduct of that eminent man I must always think deserving of serious blame. But, on a calm review of his long and checkered public life, I acknowledge, with sincere pleasure, that his faults were much more than redeemed by great virtues, great sacrifices, and great services. My political hostility to him was never in the smallest degree tainted by personal ill will. After his fall from power a cordial reconciliation took place between us: I admired the wisdom, the moderation, the disinterested patriotism, which he invariably showed during the last and best years of his life; I lamented his untimely death, as both a private and a

public calamity; and I earnestly wished that the sharp words which had sometimes been exchanged between us might be forgotten.

Unhappily an act, for which the law affords no redress, but which I have no hesitation in pronouncing to be a gross injury to me and a gross fraud on the public, has compelled me to do what I should never have done willingly. A bookseller named Vizetelly, who seems to aspire to that sort of distinction which Curll enjoyed a hundred and twenty years ago, thought fit, without asking my consent, without even giving me any notice, to announce an edition of my Speeches, and was not ashamed to tell the world in his advertisement that he published them by special license. When the book appeared, I found that it contained fifty-six speeches, said to have been delivered by me in the House of Commons. Of these speeches a few were reprinted from reports which I had corrected for the *Mirror of Parliament* or the *Parliamentary Debates*, and were therefore, with the exception of some errors of the pen and the press, correctly given. The rest bear scarcely the faintest resemblance to the speeches which I really made. The substance of what I said is perpetually misrepresented. The connection of the arguments is altogether lost. Extravagant blunders are put into my mouth in almost every page. An editor who was not grossly ignorant would have perceived that no person to whom the House of Commons would listen could possibly have been guilty of such blunders. An editor who had the smallest regard for truth, or for the fame of the person whose speeches he had undertaken to publish, would have had recourse to the various sources of information which were readily accessible, and, by collating them, would have produced a book which would at least have contained no absolute nonsense. But I have unfortunately had an editor whose only object was to make a few pounds, and who was willing to sacrifice to that object my reputation and his own. He took the very

worst report extant, compared it with no other report, removed no blemish however obvious or however ludicrous, gave to the world some hundreds of pages utterly contemptible both in matter and manner, and prefixed my name to them. The least that he should have done was to consult the files of *The Times* newspaper. I have frequently done so, when I have noticed in his book any passage more than ordinarily absurd; and I have almost invariably found that, in *The Times* newspaper, my meaning had been correctly reported, though often in words different from those which I had used.

I could fill a volume with instances of the injustice with which I have been treated. But I will confine myself to a single speech, the speech on the Dissenters' Chapels Bill. I have selected that speech, not because Mr. Vizetelly's version of that speech is worse than his versions of thirty or forty other speeches, but because I have before me a report of that speech which an honest and diligent editor would have thought it his first duty to consult. The report of which I speak was published by the Unitarian Dissenters, who were naturally desirous that there should be an accurate record of what had passed in a debate deeply interesting to them. It was not corrected by me; but it generally, though not uniformly, exhibits with fidelity the substance of what I said.

Mr. Vizetelly makes me say that the principle of our Statutes of Limitation was to be found in the legislation of the Mexicans and Peruvians. That is a matter about which, as I know nothing, I certainly said nothing. Neither in *The Times* nor in the Unitarian report is there anything about Mexico or Peru.

Mr. Vizetelly next makes me say that the principle of limitation is found "amongst the Pandects of the Benares." Did my editor believe that I uttered these words, and that the House of Commons listened patiently to them? If he did, what must be thought of his understanding? If he did not, was it the part of an honest man to publish such

gibberish as mine? The most charitable supposition, which I therefore gladly adopt, is that Mr. Vizetelly saw nothing absurd in the expression which he has attributed to me. The Benares he probably supposes to be some Oriental nation. What he supposes their Pandects to be I shall not presume to guess. If he had examined *The Times*, he would have found no trace of the passage. The reporter, probably, did not catch what I said, and, being more veracious than Mr. Vizetelly, did not choose to ascribe to me what I did not say. If Mr. Vizetelly had consulted the Unitarian report, he would have seen that I spoke of the Pundits of Benares; and he might, without any very long or costly research, have learned where Benares is, and what a Pundit is.

Mr. Vizetelly then represents me as giving the House of Commons some very extraordinary information about both the Calvinistic and the Arminian Methodists. He makes me say that Whitfield held and taught that the connection between Church and State was sinful. Whitfield never held or taught any such thing; nor was I so grossly ignorant of the life and character of that remarkable man as to impute to him a doctrine which he would have abhorred. Here again, both in *The Times* and in the Unitarian report, the substance of what I said is correctly given.

Mr. Vizetelly proceeds to put into my mouth a curious account of the polity of the Wesleyan Methodists. He makes me say that, after John Wesley's death, "the feeling in favor of the lay administration of the Sacrament became very strong and very general: a Conference was applied for, was constituted, and, after some discussion, it was determined that the request should be granted." Such folly could have been uttered only by a person profoundly ignorant of the history of Methodism. Certainly nothing of the sort was ever uttered by me; and nothing of the sort will be found either in *The Times* or in the Unitarian report.

Mr. Vizetelly makes me say that the Great Charter

recognizes the principle of limitation, a thing which everybody who has read the Great Charter knows not to be true. He makes me give an utterly false history of Lord Nottingham's Occasional Conformity Bill. But I will not weary my readers by proceeding further. These samples will probably be thought sufficient. They all lie within a compaas of seven or eight pages. It will be observed that all the faults which I have pointed out are grave faults of substance. Slighter faults of substance are numerous. As to faults of syntax and of style, hardly one sentence in a hundred is free from them.

I cannot permit myself to be exhibited, in this ridiculous and degrading manner, for the profit of an unprincipled man. I therefore unwillingly, and in mere self-defence, give this volume to the public. I have selected, to the best of my judgment, from among my Speeches, those which are the least unworthy to be preserved. Nine of them were corrected by me while they were still fresh in my memory, and appear almost word for word as they were spoken. They are the speech of the second of March, 1831, the speech of the twentieth of September, 1831, the speech of the tenth of October, 1831, the speech of the sixteenth of December, 1831, the speech on the Anatomy Bill, the speech on the India Bill, the speech on Serjeant Talfourd's Copyright Bill, the speech on the Sugar Duties, and the speech on the Irish Church. The substance of the remaining speeches I have given with perfect ingenuousness. I have not made alterations for the purpose of saving my own reputation either for consistency or for foresight. I have not softened down the strong terms in which I formerly expressed opinions which time and thought may have modified; nor have I retouched my predictions in order to make them correspond with subsequent events. Had I represented myself as speaking in 1831, in 1840, or in 1845, as I should speak in 1853, I should have deprived my book of its chief value. This volume is now at least a strictly honest record of

opinions and reasonings which were heard with favor by a large part of the Commons of England at some important conjunctures ; and such a record, however low it may stand in the estimation of the literary critic, cannot but be of use to the historian.

I do not pretend to give with accuracy the diction of those speeches which I did not myself correct within a week after they were delivered. Many expressions, and a few paragraphs, linger in my memory. But the rest, including much that had been carefully premeditated, is irrecoverably lost. Nor have I, in this part of my task, derived much assistance from any report. My delivery is, I believe, too rapid. Very able shorthand writers have sometimes complained that they could not follow me, and have contented themselves with setting down the substance of what I said. As I am unable to recall the precise words which I used, I have done my best to put my meaning into words which I might have used.

I have only, in conclusion, to beg that the readers of this Preface will pardon an egotism which a great wrong has made necessary, and which is quite as disagreeable to myself as it can be to them.

SPEECHES AND LEGAL STUDIES

I

SPEECHES

PARLIAMENTARY REFORM

I

MARCH 2, 1831

On Tuesday, the first of March, 1831, Lord John Russell moved the House of Commons for leave to bring in a Bill to amend the representation of the people in England and Wales. The discussion occupied seven nights. At length, on the morning of Thursday, the tenth of March, the motion was carried without a division. The following Speech was made on the second night of the debate.

It is a circumstance, Sir, of happy augury for the motion before the House, that almost all those who have opposed it have declared themselves hostile on principle to parliamentary reform. Two Members, I think, have confessed that, though they disapprove of the plan now submitted to us, they are forced to admit the necessity of a change in the representative system. Yet even those gentlemen have used, as far as I have observed, no arguments which would not apply as strongly to the most moderate change as to that which has been proposed by His Majesty's government. I say, Sir, that I consider this as a circumstance of happy augury. For what I feared was, not the opposition of those who are averse to all reform, but the disunion of reformers. I

knew that, during three months, every reformer had been employed in conjecturing what the plan of the government would be. I knew that every reformer had imagined in his own mind a scheme differing doubtless in some points from that which my noble friend, the Paymaster of the Forces, has developed. I felt therefore great apprehension that one person would be dissatisfied with one part of the bill, that another person would be dissatisfied with another part, and that thus our whole strength would be wasted in internal dissensions. That apprehension is now at an end. I have seen with delight the perfect concord which prevails among all who deserve the name of reformers in this House; and I trust that I may consider it as an omen of the concord which will prevail among reformers throughout the country. I will not, Sir, at present express any opinion as to the details of the bill; but, having during the last twenty-four hours given the most diligent consideration to its general principles, I have no hesitation in pronouncing it a wise, noble, and comprehensive measure, skilfully framed for the healing of great distempers, for the securing at once of the public liberties and of the public repose, and for the reconciling and knitting together of all the orders of the state.

The honorable Baronet who has just sat down¹ has told us, that the Ministers have attempted to unite two inconsistent principles in one abortive measure. Those were his very words. He thinks, if I understand him rightly, that we ought either to leave the representative system such as it is, or to make it perfectly symmetrical. I think, Sir, that the Ministers would have acted unwisely if they had taken either course. Their principle is plain, rational, and consistent. It is this, to admit the middle class to a large and direct share in the representation, without any violent shock to the institutions of our country. I understand those cheers: but surely

¹ Sir John Walsh.

the gentlemen who utter them will allow that the change which will be made in our institutions by this bill is far less violent than that which, according to the honorable Baronet, ought to be made if we make any Reform at all. I praise the Ministers for not attempting, at the present time, to make the representation uniform. I praise them for not effacing the old distinction between the towns and the counties, and for not assigning Members to districts, according to the American practice, by the Rule of Three. The government has, in my opinion, done all that was necessary for the removal of a great practical evil, and no more than was necessary.

I consider this, Sir, as a practical question. I rest my opinion on no general theory of government. I distrust all general theories of government. I will not positively say, that there is any form of polity which may not, in some conceivable circumstances, be the best possible. I believe that there are societies in which every man may safely be admitted to vote. Gentlemen may cheer, but such is my opinion. I say, Sir, that there are countries in which the condition of the laboring classes is such that they may safely be entrusted with the right of electing Members of the Legislature. If the laborers of England were in that state in which I, from my soul, wish to see them, if employment were always plentiful, wages always high, food always cheap, if a large family were considered not as an encumbrance but as a blessing, the principal objections to Universal Suffrage would, I think, be removed. Universal Suffrage exists in the United States without producing any very frightful consequences; and I do not believe that the people of those States, or of any part of the world, are in any good quality naturally superior to our own countrymen. But, unhappily, the laboring classes in England, and in all old countries, are occasionally in a state of great distress. Some of the causes of this distress are, I fear, beyond the control of the govern-

ment. We know what effect distress produces, even on people more intelligent than the great body of the laboring classes can possibly be. We know that it makes even wise men irritable, unreasonable, credulous, eager for immediate relief, heedless of remote consequences. There is no quackery in medicine, religion, or politics, which may not impose even on a powerful mind, when that mind has been disordered by pain or fear. It is therefore no reflection on the poorer class of Englishmen, who are not, and who cannot in the nature of things be, highly educated, to say that distress produces on them its natural effects, those effects which it would produce on the Americans, or on any other people, that it blinds their judgment, that it inflames their passions, that it makes them prone to believe those who flatter them, and to distrust those who would serve them. For the sake, therefore, of the whole society, for the sake of the laboring classes themselves, I hold it to be clearly expedient that, in a country like this, the right of suffrage should depend on a pecuniary qualification.

But, Sir, every argument which would induce me to oppose Universal Suffrage induces me to support the plan which is now before us. I am opposed to Universal Suffrage, because I think that it would produce a destructive revolution. I support this plan, because I am sure that it is our best security against a revolution. The noble Paymaster of the Forces hinted, delicately indeed and remotely, at this subject. He spoke of the danger of disappointing the expectations of the nation; and for this he was charged with threatening the House. Sir, in the year 1817, the late Lord Londonderry proposed a suspension of the Habeas Corpus Act. On that occasion he told the House that, unless the measures which he recommended were adopted, the public peace could not be preserved. Was he accused of threatening the House? Again, in the year 1819, he proposed the laws known by the name of the Six Acts. He then told

the House that, unless the executive power were reinforced, all the institutions of the country would be overturned by popular violence. Was he then accused of threatening the House? Will any gentleman say that it is parliamentary and decorous to urge the danger arising from popular discontent as an argument for severity, but that it is unparliamentary and indecorous to urge that same danger as an argument for conciliation? I, Sir, do entertain great apprehension for the fate of my country. I do in my conscience believe that, unless the plan proposed, or some similar plan, be speedily adopted, great and terrible calamities will befall us. Entertaining this opinion, I think myself bound to state it, not as a threat, but as a reason. I support this bill because it will improve our institutions; but I support it also because it tends to preserve them. That we may exclude those whom it is necessary to exclude, we must admit those whom it may be safe to admit. At present we oppose the schemes of revolutionists with only one half, with only one quarter of our proper force. We say, and we say justly, that it is not by mere numbers, but by property and intelligence, that the nation ought to be governed. Yet, saying this, we exclude from all share in the government great masses of property and intelligence, great numbers of those who are most interested in preserving tranquillity, and who know best how to preserve it. We do more. We drive over to the side of revolution those whom we shut out from power. Is this a time when the cause of law and order can spare one of its natural allies?

My noble friend, the Paymaster of the Forces, happily described the effect which some parts of our representative system would produce on the mind of a foreigner, who had heard much of our freedom and greatness. If, Sir, I wished to make such a foreigner clearly understand what I consider as the great defects of our system, I would conduct him through that immense city which

lies to the north of Great Russell Street and Oxford Street, a city superior in size and in population to the capitals of many mighty kingdoms; and probably superior in opulence, intelligence, and general respectability, to any city in the world. I would conduct him through that interminable succession of streets and squares, all consisting of well-built and well-furnished houses. I would make him observe the brilliancy of the shops, and the crowd of well-appointed equipages. I would show him that magnificent circle of palaces which surrounds the Regent's Park. I would tell him, that the rental of this district was far greater than that of the whole kingdom of Scotland at the time of the Union. And then I would tell him, that this was an unrepresented district. It is needless to give any more instances. It is needless to speak of Manchester, Birmingham, Leeds, Sheffield, with no representation, or of Edinburgh and Glasgow with a mock representation. If a property tax were now imposed on the principle that no person who had less than a hundred and fifty pounds a year should contribute, I should not be surprised to find that one half in number and value of the contributors had no votes at all; and it would, beyond all doubt, be found that one fiftieth part in number and value of the contributors had a larger share of the representation than the other forty-nine fiftieths. This is not government by property. It is government by certain detached portions and fragments of property, selected from the rest, and preferred to the rest, on no rational principle whatever.

To say that such a system is ancient is no defence. My honorable friend, the Member for the University of Oxford,¹ challenges us to show, that the Constitution was ever better than it is. Sir, we are legislators, not antiquaries. The question for us is, not whether the Constitution was better formerly, but whether we can make it better now. In fact, however, the system was

¹ Sir Robert Harry Inglis.

not in ancient times by any means so absurd as it is in our age. One noble Lord¹ has to-night told us that the town of Aldborough, which he represents, was not larger in the time of Edward the First than it is at present. The line of its walls, he assures us, may still be traced. It is now built up to that line. He argues, therefore, that as the founders of our representative institutions gave Members to Aldborough when it was as small as it now is, those who would disfranchise it on account of its smallness have no right to say that they are recurring to the original principle of our representative institutions. But does the noble Lord remember the change which has taken place in the country during the last five centuries? Does he remember how much England has grown in population, while Aldborough has been standing still? Does he consider, that in the time of Edward the First the kingdom did not contain two millions of inhabitants? It now contains nearly fourteen millions. A hamlet of the present day would have been a town of some importance in the time of our early Parliaments. Aldborough may be absolutely as considerable a place as ever. But compared with the kingdom, it is much less considerable, by the noble Lord's own showing, than when it first elected burgesses. My honorable friend, the Member for the University of Oxford, has collected numerous instances of the tyranny which the kings and nobles anciently exercised, both over this House and over the electors. It is not strange that, in times when nothing was held sacred, the rights of the people, and of the representatives of the people, should not have been held sacred. The proceedings which my honorable friend has mentioned no more prove that, by the ancient constitution of the realm, this House ought to be a tool of the king and of the aristocracy, than the Benevolences and the Ship-money prove their own legality, or than those unjustifiable arrests, which took place long after the rati-

¹ Lord Stormont.

fication of the great Charter, and even after the Petition of Right, prove that the subject was not anciently entitled to his personal liberty. We talk of the wisdom of our ancestors: and in one respect at least they were wiser than we. They legislated for their own times. They looked at the England which was before them. They did not think it necessary to give twice as many Members to York as they gave to London, because York had been the capital of Britain in the time of Constantius Chlorus; and they would have been amazed indeed if they had foreseen, that a city of more than a hundred thousand inhabitants would be left without representatives in the nineteenth century, merely because it stood on ground which, in the thirteenth century, had been occupied by a few huts. They framed a representative system, which, though not without defects and irregularities, was well adapted to the state of England in their time. But a great revolution took place. The character of the old corporations changed. New forms of property came into existence. New portions of society rose into importance. There were in our rural districts rich cultivators, who were not freeholders. There were in our capital rich traders, who were not liverymen. Towns shrank into villages. Villages swelled into cities larger than the London of the Plantagenets. Unhappily, while the natural growth of society went on, the artificial polity continued unchanged. The ancient form of the representation remained; and precisely because the form remained, the spirit departed. Then came that pressure almost to bursting, the new wine in the old bottles, the new society under the old institutions. It is now time for us to pay a decent, a rational, a manly reverence to our ancestors, not by superstitiously adhering to what they, in other circumstances, did, but by doing what they, in our circumstances, would have done. All history is full of revolutions, produced by causes similar to those which are now operating in England. A portion of the com-

munity which had been of no account expands and becomes strong. It demands a place in the system, suited, not to its former weakness, but to its present power. If this is granted, all is well. If this is refused, then comes the struggle between the young energy of one class and the ancient privileges of another. Such was the struggle between the Plebeians and the Patricians of Rome. Such was the struggle of the Italian allies for admission to the full rights of Roman citizens. Such was the struggle of our North American colonies against the mother country. Such was the struggle which the Third Estate of France maintained against the aristocracy of birth. Such was the struggle which the Roman Catholics of Ireland maintained against the aristocracy of creed. Such is the struggle which the free people of color in Jamaica are now maintaining against the aristocracy of skin. Such, finally, is the struggle which the middle classes in England are maintaining against an aristocracy of mere locality, against an aristocracy the principle of which is to invest a hundred drunken pot-wallopers in one place, or the owner of a ruined hovel in another, with powers which are withheld from cities renowned to the furthest ends of the earth for the marvels of their wealth and of their industry.

But these great cities, says my honorable friend, the Member for the University of Oxford, are virtually, though not directly, represented. Are not the wishes of Manchester, he asks, as much consulted as those of any town which sends Members to Parliament? Now, Sir, I do not understand how a power which is salutary when exercised virtually can be noxious when exercised directly. If the wishes of Manchester have as much weight with us as they would have under a system which should give representatives to Manchester, how can there be any danger in giving representatives to Manchester? A virtual representative is, I presume, a man who acts as a direct representative would act: for surely it would

be absurd to say that a man virtually represents the people of Manchester who is in the habit of saying No, when a man directly representing the people of Manchester would say Aye. The utmost that can be expected from virtual representation is that it may be as good as direct representation. If so, why not grant direct representation to places which, as everybody allows, ought, by some process or other, to be represented?

If it be said that there is an evil in change as change, I answer that there is also an evil in discontent as discontent. This, indeed, is the strongest part of our case. It is said that the system works well. I deny it. I deny that a system works well, which the people regard with aversion. We may say here, that it is a good system and a perfect system. But if any man were to say so to any six hundred and fifty-eight respectable farmers or shopkeepers, chosen by lot in any part of England, he would be hooted down, and laughed to scorn. Are these the feelings with which any part of the government ought to be regarded? Above all, are these the feelings with which the popular branch of the legislature ought to be regarded? It is almost as essential to the utility of a House of Commons, that it should possess the confidence of the people, as that it should deserve that confidence. Unfortunately, that which is in theory the popular part of our government is in practice the unpopular part. Who wishes to dethrone the King? Who wishes to turn the Lords out of their House? Here and there a crazy radical, whom the boys in the street point at as he walks along. Who wishes to alter the constitution of this House? The whole people. It is natural that it should be so. The House of Commons is, in the language of Mr. Burke, a check, not on the people, but for the people. While that check is efficient, there is no reason to fear that the King or the nobles will oppress the people. But if that check requires checking, how is it to be checked? If the salt shall lose its savor, wherewith shall we season it?

The distrust with which the nation regards this House may be unjust. But what then? Can you remove that distrust? That it exists cannot be denied. That it is an evil cannot be denied. That it is an increasing evil cannot be denied. One gentleman tells us that it has been produced by the late events in France and Belgium; another, that it is the effect of seditious works which have lately been published. If this feeling be of origin so recent, I have read history to little purpose. Sir, this alarming discontent is not the growth of a day or of a year. If there be any symptoms by which it is possible to distinguish the chronic diseases of the body politic from its passing inflammations, all those symptoms exist in the present case. The taint has been gradually becoming more extensive and more malignant, through the whole lifetime of two generations. We have tried anodynes. We have tried cruel operations. What are we to try now? Who flatters himself that he can turn this feeling back? Does there remain any argument which escaped the comprehensive intellect of Mr. Burke, or the subtlety of Mr. Windham? Does there remain any species of coercion which was not tried by Mr. Pitt and by Lord Londonderry? We have had laws. We have had blood. New treasons have been created. The Press has been shackled. The Habeas Corpus Act has been suspended. Public meetings have been prohibited. The event has proved that these expedients were mere palliatives. You are at the end of your palliatives. The evil remains. It is more formidable than ever. What is to be done?

Under such circumstances, a great plan of reconciliation, prepared by the Ministers of the Crown, has been brought before us in a manner which gives additional lustre to a noble name, inseparably associated during two centuries with the dearest liberties of the English people. I will not say, that this plan is in all its details precisely such as I might wish it to be; but it is founded on a

great and a sound principle. It takes away a vast power from a few. It distributes that power through the great mass of the middle order. Every man, therefore, who thinks as I think is bound to stand firmly by ministers who are resolved to stand or fall with this measure. Were I one of them, I would sooner, infinitely sooner, fall with such a measure than stand by any other means that ever supported a Cabinet.

My honorable friend, the Member for the University of Oxford, tells us, that if we pass this law, England will soon be a republic. The reformed House of Commons will, according to him, before it has sat ten years, depose the King and expel the Lords from their House. Sir, if my honorable friend could prove this, he would have succeeded in bringing an argument for democracy, infinitely stronger than any that is to be found in the works of Paine. My honorable friend's proposition is in fact this: that our monarchical and aristocratical institutions have no hold on the public mind of England; that these institutions are regarded with aversion by a decided majority of the middle class. This, Sir, I say, is plainly deducible from his proposition; for he tells us that the representatives of the middle class will inevitably abolish royalty and nobility within ten years; and there is surely no reason to think that the representatives of the middle class will be more inclined to a democratic revolution than their constituents. Now, Sir, if I were convinced that the great body of the middle class in England look with aversion on monarchy and aristocracy, I should be forced, much against my will, to come to this conclusion, that monarchical and aristocratical institutions are unsuited to my country. Monarchy and aristocracy, valuable and useful as I think them, are still valuable and useful as means, and not as ends. The end of government is the happiness of the people: and I do not conceive that, in a country like this, the happiness of the people can be promoted by a form of government

in which the middle classes place no confidence, and which exists only because the middle classes have no organ by which to make their sentiments known. But, Sir, I am fully convinced that the middle classes sincerely wish to uphold the Royal prerogatives and the constitutional rights of the Peers. What facts does my honorable friend produce in support of his opinion? One fact only; and that a fact which has absolutely nothing to do with the question. The effect of this reform, he tells us, would be to make the House of Commons all powerful. It was all powerful once before, in the beginning of 1649. Then it cut off the head of the King, and abolished the House of Peers. Therefore, if it again has the supreme power, it will act in the same manner. Now, Sir, it was not the House of Commons that cut off the head of Charles the First; nor was the House of Commons then all powerful. It had been greatly reduced in numbers by successive expulsions. It was under the absolute dominion of the army. A majority of the House was willing to take the terms offered by the King. The soldiers turned out the majority; and the minority, not a sixth part of the whole House, passed those votes of which my honorable friend speaks, votes of which the middle classes disapproved then, and of which they disapprove still.

My honorable friend, and almost all the gentlemen who have taken the same side with him in this debate, have dwelt much on the utility of close and rotten boroughs. It is by means of such boroughs, they tell us, that the ablest men have been introduced into Parliament. It is true that many distinguished persons have represented places of this description. But, Sir, we must judge of a form of government by its general tendency, not by happy accidents. Every form of government has its happy accidents. Despotism has its happy accidents. Yet we are not disposed to abolish all constitutional checks, to place an absolute master over us, and

to take our chance whether he may be a Caligula or a Marcus Aurelius. In whatever way the House of Commons may be chosen, some able men will be chosen in that way who would not be chosen in any other way. If there were a law that the hundred tallest men in England should be Members of Parliament, there would probably be some able men among those who would come into the House by virtue of this law. If the hundred persons whose names stand first in the Alphabetical List of the Court Guide were made Members of Parliament, there would probably be able men among them. We read in ancient history, that a very able king was elected by the neighing of his horse: but we shall scarcely, I think, adopt this mode of election. In one of the most celebrated republics of antiquity, Athens, Senators and Magistrates were chosen by lot; and sometimes the lot fell fortunately. Once, for example, Socrates was in office. A cruel and unjust proposition was made by a demagogue. Socrates resisted it at the hazard of his own life. There is no event in Grecian history more interesting than that memorable resistance. Yet who would have officers appointed by lot, because the accident of the lot may have given to a great and good man a power which he would probably never have attained in any other way? We must judge, as I said, by the general tendency of a system. No person can doubt that a House of Commons, chosen freely by the middle classes, will contain many very able men. I do not say, that precisely the same able men who would find their way into the present House of Commons will find their way into the reformed House: but that is not the question. No particular man is necessary to the state. We may depend on it that, if we provide the country with popular institutions, those institutions will provide it with great men.

There is another objection, which, I think, was first raised by the honorable and learned Member for Newport.¹ He tells us that the elective franchise is property;

¹ Mr. Horace Twiss.

that to take it away from a man who has not been judicially convicted of malpractices is robbery; that no crime is proved against the voters in the closed boroughs; that no crime is even imputed to them in the preamble of the bill; and that therefore to disfranchise them without compensation would be an act of revolutionary tyranny. The honorable and learned gentleman has compared the conduct of the present Ministers to that of those odious tools of power, who, towards the close of the reign of Charles the Second, seized the charters of the Whig Corporations. Now, there was another precedent, which I wonder that he did not recollect, both because it is much more nearly in point than that to which he referred, and because my noble friend, the Paymaster of the Forces, had previously alluded to it. If the elective franchise is property, if to disfranchise voters without a crime proved, or a compensation given, be robbery, was there ever such an act of robbery as the disfranchising of the Irish forty-shilling freeholders? Was any pecuniary compensation given to them? Is it declared in the preamble of the bill which took away their franchise, that they had been convicted of any offence? Was any judicial inquiry instituted into their conduct? Were they even accused of any crime? Or if you say that it was a crime in the electors of Clare to vote for the honorable and learned gentleman who now represents the county of Waterford, was a Protestant freeholder in Louth to be punished for the crime of a Catholic freeholder in Clare? If the principle of the honorable and learned Member for Newport be sound, the franchise of the Irish peasant was property. That franchise the Ministers under whom the honorable and learned Member held office did not scruple to take away. Will he accuse those Ministers of robbery? If not, how can he bring such an accusation against their successors?

Every gentleman, I think, who has spoken from the other side of the House, has alluded to the opinions

which some of His Majesty's Ministers formerly entertained on the subject of Reform. It would be officious in me, Sir, to undertake the defence of gentlemen who are so well able to defend themselves. I will only say that, in my opinion, the country will not think worse either of their capacity or of their patriotism, because they have shown that they can profit by experience, because they have learned to see the folly of delaying inevitable changes. There are others who ought to have learned the same lesson. I say, Sir, that there are those who, I should have thought, must have had enough to last them all their lives of that humiliation which follows obstinate and boastful resistance to changes rendered necessary by the progress of society, and by the development of the human mind. Is it possible that those persons can wish again to occupy a position which can neither be defended or surrendered with honor? I well remember, Sir, a certain evening in the month of May, 1827. I had not then the honor of a seat in this House; but I was an attentive observer of its proceedings. The right honorable Baronet opposite,¹ of whom personally I desire to speak with that high respect which I feel for his talents and his character, but of whose public conduct I must speak with the sincerity required by my public duty, was then, as he is now, out of office. He had just resigned the seals of the Home Department, because he conceived that the recent ministerial arrangements had been too favorable to the Catholic claims. He rose to ask whether it was the intention of the new Cabinet to repeal the Test and Corporation Acts, and to reform the Parliament. He bound up, I well remember, those two questions together; and he declared that, if the Ministers should either attempt to repeal the Test and Corporation Acts, or bring forward a measure of Parliamentary Reform, he should think it his duty to oppose them to the utmost. Since that declaration was made four

¹ Sir Robert Peel.

years have elapsed; and what is now the state of the three questions which then chiefly agitated the minds of men? What is become of the Test and Corporation Acts? They are repealed. By whom? By the right honorable Baronet. What has become of the Catholic disabilities? They are removed. By whom? By the right honorable Baronet. The question of Parliamentary Reform is still behind. But signs, of which it is impossible to misconceive the import, do most clearly indicate that, unless that question also be speedily settled, property, and order, and all the institutions of this great monarchy, will be exposed to fearful peril. Is it possible that gentlemen long versed in high political affairs cannot read these signs? Is it possible that they can really believe that the representative system of England, such as it now is, will last till the year 1860? If not, for what would they have us wait? Would they have us wait merely that we may show to all the world how little we have profited by our own recent experience? Would they have us wait, that we may once again hit the exact point where we can neither refuse with authority, nor concede with grace? Would they have us wait, that the numbers of the discontented party may become larger, its demands higher, its feelings more acrimonious, its organization more complete? Would they have us wait till the whole tragi-comedy of 1827 has been acted over again; till they have been brought into office by a cry of "No Reform," to be reformers, as they were once before brought into office by a cry of "No Popery," to be emancipators? Have they obliterated from their minds — gladly, perhaps, would some among them obliterate from their minds — the transactions of that year? And have they forgotten all the transactions of the succeeding year? Have they forgotten how the spirit of liberty in Ireland, debarred from its natural outlet, found a vent by forbidden passages? Have they forgotten how we were forced to indulge the Catholics in all the license of

rebels, merely because we chose to withhold from them the liberties of subjects? Do they wait for associations more formidable than that of the Corn Exchange, for contributions larger than the Rent, for agitators more violent than those who, three years ago, divided with the King and the Parliament the sovereignty of Ireland? Do they wait for that last and most dreadful paroxysm of popular rage, for that last and most cruel test of military fidelity? Let them wait, if their past experience shall induce them to think that any high honor or any exquisite pleasure is to be obtained by a policy like this. Let them wait, if this strange and fearful infatuation be indeed upon them, that they should not see with their eyes, or hear with their ears, or understand with their heart. But let us know our interest and our duty better. Turn where we may, within, around, the voice of great events is proclaiming to us, Reform, that you may preserve. Now therefore while everything at home and abroad forebodes ruin to those who persist in a hopeless struggle against the spirit of the age, now, while the crash of the proudest throne of the Continent is still resounding in our ears, now, while the roof of a British palace affords an ignominious shelter to the exiled heir of forty kings, now, while we see on every side ancient institutions subverted, and great societies dissolved, now, while the heart of England is still sound, now, while old feelings and old associations retain a power and a charm which may too soon pass away, now, in this your accepted time, now, in this your day of salvation, take counsel, not of prejudice, not of party spirit, not of the ignominious pride of a fatal consistency, but of history, of reason, of the ages which are past, of the signs of this most portentous time. Pronounce in a manner worthy of the expectation with which this great debate has been anticipated, and of the long remembrance which it will leave behind. Renew the youth of the state. Save property, divided against itself. Save the multitude, endangered

by its own ungovernable passions. Save the aristocracy, endangered by its own unpopular power. Save the greatest, and fairest, and most highly civilized community that ever existed, from calamities which may in a few days sweep away all the rich heritage of so many ages of wisdom and glory. The danger is terrible. The time is short. If this bill should be rejected, I pray to God that none of those who concur in rejecting it may ever remember their votes with unavailing remorse, amidst the wreck of laws, the confusion of ranks, the spoliation of property, and the dissolution of social order.

PARLIAMENTARY REFORM

II

JULY 5, 1831

On Tuesday, the fourth of July, 1831, Lord John Russell moved the second reading of the Bill to amend the representation of the people in England and Wales. Sir John Walsh, member for Sudbury, moved, as an amendment, that the Bill should be read that day six months. After a discussion, which lasted three nights, the amendment was rejected by 367 votes to 231, and the original motion was carried. The following Speech was made on the second night of the debate.

NOBODY, Sir, who has watched the course of the debate can have failed to observe that the gentlemen who oppose this bill have chiefly relied on a preliminary objection, which it is necessary to clear away before we proceed to examine whether the proposed changes in our representative system would or would not be improvements. The elective franchise, we are told, is private property. It belongs to this freeman, to that pot-walloper, to the owner of this house, to the owner of that old wall; and you have no more right to take it away without compensation than to confiscate the dividends of a fundholder or the rents of a landholder.

Now, Sir, I admit that, if this objection be well founded, it is decisive against the plan of reform which has been submitted to us. If the franchise be really private property, we have no more right to take members away from Gatton because Gatton is small, and to give them to Manchester because Manchester is large, than Cyrus, in the old story, had to take away the big coat

from the little boy and to put it on the big boy. In no case, and under no pretext however specious, would I take away from any member of the community anything which is of the nature of property, without giving him full compensation. But I deny that the elective franchise is of the nature of property; and I believe that, on this point, I have with me all reason, all precedent, and all authority. This at least is certain, that, if disfranchisement really be robbery, the representative system which now exists is founded on robbery. How was the franchise in the English counties fixed? By the act of Henry the Sixth, which disfranchised tens of thousands of electors who had not forty-shilling freeholds. Was that robbery? How was the franchise in the Irish counties fixed? By the Act of George the Fourth which disfranchised tens of thousands of electors who had not ten-pound freeholds. Was that robbery? Or was the great parliamentary reform made by Oliver Cromwell ever designated as robbery, even by those who most abhorred his name? Everybody knows that the unsparing manner in which he disfranchised small boroughs was emulously applauded, by Royalists, who hated him for having pulled down one dynasty, and by republicans, who hated him for having founded another. Take Sir Harry Vane and Lord Clarendon, both wise men, both I believe, in the main, honest men, but as much opposed to each other in politics as wise and honest men could be. Both detested Oliver; yet both approved of Oliver's plan of parliamentary reform. They grieved only that so salutary a change should have been made by an usurper. Vane wished it to have been made by the Rump; Clarendon wished it to be made by the King. Clarendon's language on this subject is most remarkable. For he was no rash innovator. The bias of his mind was altogether on the side of antiquity and prescription. Yet he describes that great disfranchisement of boroughs as an improvement fit to be made in a more warrantable method

and at a better time. The words were prophetic. This is that more warrantable method. This is that better time. What Cromwell attempted to effect by an usurped authority, in a country which had lately been convulsed by civil war, and which was with difficulty kept in a state of sullen tranquillity by military force, it has fallen to our lot to accomplish in profound peace, and under the rule of a prince whose title is unquestioned, whose office is revered, and whose person is beloved. It is easy to conceive with what scorn and astonishment Clarendon would have heard it said that the reform which seemed to him so obviously just and reasonable that he praised it, even when made by a regicide, could not, without the grossest iniquity, be made even by a lawful King and a lawful Parliament.

Sir, in the name of the institution of property, of that great institution, for the sake of which, chiefly, all other institutions exist, of that great institution to which we owe all knowledge, all commerce, all industry, all civilization, all that makes us to differ from the tattooed savages of the Pacific Ocean, I protest against the pernicious practice of ascribing to that which is not property the sanctity which belongs to property alone. If, in order to save political abuses from that fate with which they are threatened by the public hatred, you claim for them the immunities of property, you must expect that property will be regarded with some portion of the hatred which is excited by political abuses. You bind up two very different things, in the hope that they may stand together. Take heed that they do not fall together. You tell the people that it is as unjust to disfranchise a great lord's nomination borough as to confiscate his estate. Take heed that you do not succeed in convincing weak and ignorant minds that there is no more injustice in confiscating his estate than in disfranchising his borough. That this is no imaginary danger, your own speeches in this debate abundantly prove. You begin

by ascribing to the franchises of Old Sarum the sacredness of property; and you end, naturally enough, I must own, by treating the rights of property as lightly as I should be inclined to treat the franchises of Old Sarum. When you are reminded that you voted, only two years ago, for disfranchising great numbers of freeholders in Ireland, and when you are asked how, on the principles which you now profess, you can justify that vote, you answer very coolly, "No doubt that was confiscation. No doubt we took away from the peasants of Munster and Connaught, without giving them a farthing of compensation, that which was as much their property as their pigs or their frieze coats. But we did it for the public good. We were pressed by a great state necessity." Sir, if that be an answer, we, too, may plead that we, too, have the public good in view, and that we are pressed by a great state necessity. But I shall resort to no such plea. It fills me with indignation and alarm to hear grave men avow what they own to be downright robbery, and justify that robbery on the ground of political convenience. No, Sir, there is one way, and only one way, in which those gentlemen who voted for the disfranchising Act of 1829 can clear their fame. Either they have no defence, or their defence must be this: that the elective franchise is not of the nature of property, and that therefore disfranchisement is not spoliation.

Having disposed, as I think, of the question of right, I come to the question of expediency. I listened, Sir, with much interest and pleasure to a noble Lord who spoke for the first time in this debate.¹ But I must own that he did not succeed in convincing me that there is any real ground for the fears by which he is tormented. He gave us a history of France since the Restoration. He told us of the violent ebbs and flows of public feeling in that country. He told us that the revolutionary party was fast rising to ascendancy while M. de Cazes was

¹ Lord Porchester.

minister; that then came a violent reaction in favor of the monarchy and the priesthood; that then the revolutionary party again became dominant; that there had been a change of dynasty; and that the Chamber of Peers had ceased to be a hereditary body. He then predicted, if I understood him rightly, that, if we pass this bill, we shall suffer all that France has suffered; that we shall have violent contests between extreme parties, a revolution, and an abolition of the House of Lords. I might, perhaps, dispute the accuracy of some parts of the noble Lord's narrative. But I deny that his narrative, accurate or inaccurate, is relevant. I deny that there is any analogy between the state of France and the state of England. I deny that there is here any great party which answers either to the revolutionary or to the counter-revolutionary party in France. I most emphatically deny that there is any resemblance in the character, and that there is likely to be any resemblance in the fate, of the two Houses of Peers. I always regarded the hereditary Chamber established by Lewis the Eighteenth as an institution which could not last. It was not in harmony with the state of property: it was not in harmony with the public feeling: it had neither the strength which is derived from wealth, nor the strength which is derived from prescription. It was despised as plebeian by the ancient nobility. It was hated as patrician by the democrats. It belonged neither to the old France nor to the new France. It was a mere exotic transplanted from our island. Here it had struck its roots deep, and, having stood during ages, was still green and vigorous. But it languished in the foreign soil and the foreign air, and was blown down by the first storm. It will be no such easy task to uproot the aristocracy of England.

With much more force, at least with much more plausibility, the noble Lord and several other members on the other side of the House have argued against the proposed

Reform on the ground that the existing system has worked well. How great a country, they say, is ours! how eminent in wealth and knowledge, in arts and arms! how much admired! how much envied! Is it possible to believe that we have become what we are under a bad government? And, if we have a good government, why alter it? Now, Sir, I am very far from denying that England is great, and prosperous, and highly civilized. I am equally far from denying, that she owes much of her greatness, of her prosperity, and of her civilization, to her form of government. But is no nation ever to reform its institutions because it has made great progress under those institutions? Why, Sir, the progress is the very thing which makes the reform absolutely necessary. The Czar Peter, we all know, did much for Russia. But for his rude genius and energy, that country might have still been utterly barbarous. Yet would it be reasonable to say, that the Russian people ought always, to the end of time, to be despotically governed, because the Czar Peter was a despot? Let us remember that the government and the society act and react on each other. Sometimes the government is in advance of the society, and hurries the society forward. So urged, the society gains on the government, comes up with the government, outstrips the government, and begins to insist that the government shall make more speed. If the government is wise, it will yield to that just and natural demand. The great cause of revolutions is this, that while nations move onward, constitutions stand still. The peculiar happiness of England is that here, through many generations, the Constitution has moved onward with the nation. Gentlemen have told us, that the most illustrious foreigners have, in every age, spoken with admiration of the English Constitution. Comines, they say, in the fifteenth century, extolled the English Constitution as the best in the world. Montesquieu, in the eighteenth century, extolled it as the best in the world. And would it not be

madness in us to throw away what such men thought the most precious of all our blessings? But was the Constitution which Montesquieu praised the same with the Constitution which Comines praised? No, Sir; if it had been so, Montesquieu never would have praised it. For how was it possible that a polity which exactly suited the subjects of Edward the Fourth should have exactly suited the subjects of George the Second? The English have, it is true, long been a great and a happy people. But they have been great and happy because their history has been the history of a succession of timely reforms. The Great Charter, the assembling of the first House of Commons, the Petition of Right, the Declaration of Right, the Bill which is now on our table, what are they all but steps in one great progress? To every one of those steps the same objections might have been made which we have heard to-night, "You are better off than your neighbors are. You are better off than your fathers were. Why can you not leave well alone?"

How copiously might a Jacobite orator have harangued on this topic in the Convention of 1688! "Why make a change of dynasty? Why trouble ourselves to devise new securities for our laws and liberties? See what a nation we are. See how population and wealth have increased since what you call the good old times of Queen Elizabeth. You cannot deny that the country has been more prosperous under the kings of the House of Stuart than under any of their predecessors. Keep that House, then, and be thankful." Just such is the reasoning of the opponents of this bill. They tell us that we are an ungrateful people, and that, under institutions from which we have derived inestimable benefits, we are more discontented than the slaves of the Dey of Tripoli. Sir, if we had been slaves of the Dey of Tripoli, we should have been too much sunk in intellectual and moral degradation to be capable of the rational and manly discontent of freemen. It is precisely because our institutions are

so good that we are not perfectly contented with them; for they have educated us into a capacity for enjoying still better institutions. That the English government has generally been in advance of almost all other governments is true. But it is equally true that the English nation is, and has during some time been, in advance of the English government. One plain proof of this is, that nothing is so ill made in our island as the laws. In all those things which depend on the intelligence, the knowledge, the industry, the energy of individuals, or of voluntary combinations of individuals, this country stands preëminent among all the countries of the world, ancient and modern. But in those things which it belongs to the state to direct, we have no such claim to superiority. Our fields are cultivated with a skill unknown elsewhere, with a skill which has extorted rich harvests from moors and morasses. Our houses are filled with conveniences which the kings of former times might have envied. Our bridges, our canals, our roads, our modes of communication, fill every stranger with wonder. Nowhere are manufactures carried to such perfection. Nowhere is so vast a mass of mechanical power collected. Nowhere does man exercise such a dominion over matter. These are the works of the nation. Compare them with the works of the rulers of the nation. Look at the criminal law, at the civil law, at the modes of conveying lands, at the modes of conducting actions. It is by these things that we must judge of our legislators, just as we judge of our manufacturers by the cotton goods and the cutlery which they produce, just as we judge of our engineers by the suspension bridges, the tunnels, the steam carriages which they construct. Is, then, the machinery by which justice is administered framed with the same exquisite skill which is found in other kinds of machinery? Can there be a stronger contrast than that which exists between the beauty, the completeness, the speed, the precision with which every process is performed in our factories, and

the awkwardness, the rudeness, the slowness, the uncertainty of the apparatus by which offences are punished and rights vindicated? Look at that series of penal statutes, the most bloody and the most inefficient in the world, at the puerile fictions which make every declaration and every plea unintelligible both to plaintiff and defendant, at the mummary of fines and recoveries, at the chaos of precedents, at the bottomless pit of Chancery. Surely, we see the barbarism of the thirteenth century and the highest civilization of the nineteenth century side by side; and we see that the barbarism belongs to the government and the civilization to the people.

This is a state of things which cannot last. If it be not terminated by wisdom, it will be terminated by violence. A time has come at which it is not merely desirable, but indispensable to the public safety, that the government should be brought into harmony with the people; and it is because this bill seems to me likely to bring the government into harmony with the people, that I feel it to be my duty to give my hearty support to His Majesty's Ministers.

We have been told, indeed, that this is not the plan of Reform which the nation asked for. Be it so. But you cannot deny that it is the plan of Reform which the nation has accepted. That, though differing in many respects from what was asked, it has been accepted with transports of joy and gratitude, is a decisive proof of the wisdom of timely concession. Never in the history of the world was there so signal an example of that true statesmanship, which, at once animating and gently curbing the honest enthusiasm of millions, guides it safely and steadily to a happy goal. It is not strange, that when men are refused what is reasonable, they should demand what is unreasonable. It is not strange that, when they find that their opinion is contemned and neglected by the Legislature, they should lend a too favor-

able ear to worthless agitators. We have seen how discontent may be produced. We have seen, too, how it may be appeased. We have seen that the true source of the power of demagogues is the obstinacy of rulers, and that a liberal government makes a conservative people. Early in the last session, the First Minister of the Crown declared that he would consent to no Reform; that he thought our representative system, just as it stood, the masterpiece of human wisdom; that, if he had to make it anew, he would make it such as it was, with all its represented ruins and all its unrepresented cities. What followed? Everything was tumult and panic. The funds fell. The streets were insecure. Men's hearts failed them for fear. We began to move our property into German investments and American investments. Such was the state of the public mind, that it was not thought safe to let the sovereign pass from his palace to the Guildhall of his capital. What part of his kingdom is there in which His Majesty now needs any other guard than the affection of his loving subjects? There are, indeed, still malcontents; and they may be divided into two classes, the friends of corruption and the sowers of sedition. It is natural that all who directly profit by abuses, and all who profit by the disaffection which abuses excite, should be leagued together against a bill which, by making the government pure, will make the nation loyal. There is, and always has been, a real alliance between the two extreme parties in this country. They play into each other's hands. They live by each other. Neither would have any influence if the other were taken away. The demagogue would have no audience but for the indignation excited among the multitude by the insolence of the enemies of reform; and the last hope of the enemies of reform is in the uneasiness excited among all who have anything to lose by the ravings of the demagogue. I see, and glad I am to see, that the nation perfectly understands and justly appre-

ciates this coalition between those who hate all liberty and those who hate all order. England has spoken, and spoken out. From her most opulent seaports, from her manufacturing towns, from her capital and its gigantic suburbs, from almost every one of her counties, has gone forth a voice, answering in no doubtful or faltering accent to that truly royal voice which appealed on the twenty-second of last April to the sense of the nation.

So clearly, indeed, has the sense of the nation been expressed, that scarcely any person now ventures to declare himself hostile to all reform. We are, it seems, a House of Reformers. Those very gentlemen, who, a few months ago, were vehement against all change, now own that some change may be proper, may be necessary. They assure us, that their opposition is directed, not against Parliamentary Reform, but against the particular plan which is now before us, and that a Tory Ministry would devise a much better plan. I cannot but think that these tactics are unskilful. I cannot but think that, when our opponents defended the existing system in every part, they occupied a stronger position than at present. As my noble friend the Paymaster General said, they have committed an error resembling that of the Scotch army at Dunbar. They have left the high ground from which we might have had some difficulty in dislodging them. They have come down to low ground, where they are at our mercy. Surely, as Cromwell said, surely the Lord hath delivered them into our hand.

For, Sir, it is impossible not to perceive that almost every argument which they have urged against this Reform Bill may be urged with equal force, or with greater force, against any Reform Bill which they can themselves bring in.

First take, what, indeed, are not arguments, but wretched substitutes for arguments, those vague terms of reproach which have been so largely employed, here and elsewhere, by our opponents; revolutionary, anarchi-

cal, traitorous, and so forth. It will, I apprehend, hardly be disputed that these epithets can be just as easily applied to one Reform Bill as to another.

But, you say, intimidation has been used to promote the passing of this bill; and it would be disgraceful, and of evil example, that Parliament should yield to intimidation. But surely, if that argument be of any force against the present bill, it will be of tenfold force against any Reform Bill proposed by you. For this bill is the work of men who are reformers from conscientious conviction, of men, some of whom were reformers when reformer was a name of reproach, of men, all of whom were reformers before the nation had begun to demand reform in imperative and menacing tones. But you are notoriously reformers merely from fear. You are reformers under duress. If a concession is to be made to the public importunity, you can hardly deny that it will be made with more grace and dignity by Lord Grey than by you.

Then you complain of the anomalies of the bill. One county, you say, will have twelve members; and another county, which is larger and more populous, will have only ten. Some towns, which are to have only one member, are more considerable than other towns which are to have two. Do those who make these objections, objections which by the bye will be more in place when the bill is in committee, seriously mean to say that a Tory Reform Bill will leave no anomalies in the representative system? For my own part, I trouble myself not at all about anomalies, considered merely as anomalies. I would not take the trouble of lifting up my hand to get rid of an anomaly that was not also a grievance. But if gentlemen have such a horror of anomalies, it is strange that they should so long have persisted in upholding a system made up of anomalies far greater than any that can be found in this bill. [A cry of *No.*] Yes; far greater. Answer me, if you can; but do not interrupt

me. On this point, indeed, it is much easier to interrupt than to answer. For who can answer plain arithmetical demonstration? Under the present system, Manchester, with two hundred thousand inhabitants, has no members. Old Sarum, with no inhabitants, has two members. Find me such an anomaly in the schedules which are now on the table. But is it possible that you, that Tories, can seriously mean to adopt the only plan which can remove all anomalies from the representative system? Are you prepared to have, after every decennial census, a new distribution of members among electoral districts? Is your plan of Reform that which Mr. Canning satirized as the most crazy of all the projects of the disciples of Tom Paine? Do you really mean

"That each fair burgh, numerically free,
Shall choose its members by the rule of three?"

If not, let us hear no more of the anomalies of the Reform Bill.

But your great objection to this bill is that it will not be final. I ask you whether you think that any Reform Bill which you can frame will be final? For my part I do believe that the settlement proposed by His Majesty's Ministers will be final, in the only sense in which a wise man ever uses that word. I believe that it will last during that time for which alone we ought at present to think of legislating. Another generation may find in the new representative system defects such as we find in the old representative system. Civilization will proceed. Wealth will increase. Industry and trade will find out new seats. The same causes which have turned so many villages into great towns, which have turned so many thousands of square miles of fir and heath into cornfields and orchards, will continue to operate. Who can say that a hundred years hence there may not be, on the shore of some desolate and silent bay in the Hebrides, another Liverpool, with its docks and warehouses and endless forests of masts? Who can say that the huge

chimneys of another Manchester may not rise in the wilds of Connemara? For our children we do not pretend to legislate. All that we can do for them is to leave to them a memorable example of the manner in which great reforms ought to be made. In the only sense, therefore, in which a statesman ought to say that anything is final, I pronounce this bill final. But in what sense will your bill be final? Suppose that you could defeat the Ministers, that you could displace them, that you could form a government, that you could obtain a majority in this House, what course would events take? There is no difficulty in foreseeing the stages of the rapid progress downward. First, we should have a mock reform; a Bassietlaw reform; a reform worthy of those politicians who, when a delinquent borough had forfeited its franchise, and when it was necessary for them to determine what they would do with two seats in Parliament, deliberately gave those seats, not to Manchester or Birmingham or Leeds, not to Lancashire or Staffordshire or Devonshire, but to a constituent body studiously selected because it was not large, and because it was not independent; a reform worthy of those politicians who, only twelve months ago, refused to give members to the three greatest manufacturing towns in the world. We should have a reform which would produce all the evils and none of the benefits of change, which would take away from the representative system the foundation of prescription, and yet would not substitute the surer foundation of reason and public good. The people would be at once emboldened and exasperated; emboldened because they would see that they had frightened the Tories into making a pretence of reforming the Parliament; and exasperated because they would see that the Tory Reform was a mere pretence. Then would come agitation, tumult, political associations, libels, inflammatory harangues. Coercion would only aggravate the evil. This is no age, this is no country, for the war of power against opinion.

Those Jacobin mountebanks, whom this bill would at once send back to their native obscurity, would rise into fearful importance. The law would be sometimes braved and sometimes evaded. In short, England would soon be what Ireland was at the beginning of 1829. Then, at length, as in 1829, would come the late and vain repentance. Then, Sir, amidst the generous cheers of the Whigs, who will be again occupying their old seats on your left hand, and amidst the indignant murmurs of those stanch Tories who are now again trusting to be again betrayed, the right honorable Baronet opposite will rise from the Treasury Bench to propose that bill on which the hearts of the people are set. But will that bill be then accepted with the delight and thankfulness with which it was received last March? Remember Ireland. Remember, how, in that country, concessions too long delayed were at last received. That great boon which in 1801, in 1813, in 1825, would have won the hearts of millions, given too late, and given from fear, only produced new clamors and new dangers. Is not one such lesson enough for one generation? A noble Lord opposite told us not to expect that this bill will have a conciliatory effect. Recollect, he said, how the French aristocracy surrendered their privileges in 1789, and how that surrender was requited. Recollect that Day of Sacrifices which was afterwards called the Day of Dupes. Sir, that day was afterwards called the Day of Dupes, not because it was the Day of Sacrifices, but because it was the Day of Sacrifices too long deferred. It was because the French aristocracy resisted reform in 1783 that they were unable to resist revolution in 1789. It was because they clung too long to odious exemptions and distinctions, that they were at last unable to save their lands, their mansions, their heads. They would not endure Turgot: and they had to endure Robespierre.

I am far indeed from wishing that the Members of this House should be influenced by fear in the bad and

unworthy sense of that word. But there is an honest and honorable fear, which well becomes those who are entrusted with the dearest interests of a great community; and to that fear I am not ashamed to make an earnest appeal. It is very well to talk of confronting sedition boldly, and of enforcing the law against those who would disturb the public peace. No doubt a tumult caused by local and temporary irritation ought to be suppressed with promptitude and vigor. Such disturbances, for example, as those which Lord George Gordon raised in 1780, should be instantly put down with the strong hand. But woe to the government which cannot distinguish between a nation and a mob! Woe to the government which thinks that a great, a steady, a long continued movement of the public mind is to be stopped like a street riot! This error has been twice fatal to the great House of Bourbon. God be praised! our rulers have been wiser. The golden opportunity, which, if once suffered to escape, might never have been retrieved, has been seized. Nothing, I firmly believe, can now prevent the passing of this noble law, this second Bill of Rights. [*Murmurs.*] Yes, I call it, and the nation calls it, and our posterity will long call it, this second Bill of Rights, this Greater Charter of the Liberties of England. The year 1831 will, I trust, exhibit the first example of the manner in which it behooves a free and enlightened people to purify their polity from old and deeply seated abuses, without bloodshed, without violence, without rapine, all points freely debated, all the forms of senatorial deliberation punctiliously observed, industry and trade not for a moment interrupted, the authority of law not for a moment suspended. These are things of which we may well be proud. These are things which swell the heart up with a good hope for the destinies of mankind. I cannot but anticipate a long series of happy years; of years during which a parental government will be firmly supported by a grateful nation; of years during

which war, if war should be inevitable, will find us an united people; of years preëminently distinguished by the progress of arts, by the improvement of laws, by the augmentation of the public resources, by the diminution of the public burdens, by all those victories of peace, in which, far more than in any military successes, consists the true felicity of states, and the true glory of statesmen. With such hopes, Sir, and such feelings, I give my cordial assent to the second reading of a bill which I consider as in itself deserving of the warmest approbation, and as indispensably necessary, in the present temper of the public mind, to the repose of the country and to the stability of the throne.

PARLIAMENTARY REFORM

III

SEPTEMBER 20, 1831

On Monday, the nineteenth of September, 1831, the Bill to amend the representation of the people in England and Wales was read a third time, at an early hour and in a thin house, without any debate. But on the question whether the Bill should pass a discussion arose which lasted three nights. On the morning of the twenty-second of September the House divided; and the Bill passed by 345 votes to 236. The following Speech was made on the second night of the debate.

It is not without great diffidence, Sir, that I rise to address you on a subject which has been nearly exhausted. Indeed, I should not have risen had I not thought that, though the arguments on this question are for the most part old, our situation at present is in a great measure new. At length the Reform Bill, having passed without vital injury through all the dangers which threatened it, during a long and minute discussion, from the attacks of its enemies and from the dissensions of its friends, comes before us for our final ratification, altered, indeed, in some of its details for the better, and in some for the worse, but in its great principles still the same bill which, on the first of March, was proposed to the late Parliament, the same bill which was received with joy and gratitude by the whole nation, the same bill which, in an instant, took away the power of interested agitators, and united in one firm body all the sects of sincere Reformers, the same bill which, at the late election, received the approbation of almost every great con-

stituent body in the empire. With a confidence which discussion has only strengthened, with an assured hope of great public blessings if the wish of the nation shall be gratified, with a deep and solemn apprehension of great public calamities if that wish shall be disappointed, I, for the last time, give my most hearty assent to this noble law, destined, I trust, to be the parent of many good laws, and, through a long series of years, to secure the repose and promote the prosperity of my country.

When I say that I expect this bill to promote the prosperity of the country, I by no means intend to encourage those chimerical hopes which the honorable and learned Member for Rye,¹ who has so much distinguished himself in this debate, has imputed to the Reformers. The people, he says, are for the bill, because they expect that it will immediately relieve all their distresses. Sir, I believe that very few of that large and respectable class which we are now about to admit to a share of political power entertain any such absurd expectation. They expect relief, I doubt not; and I doubt not that they will find it: but sudden relief they are far too wise to expect. The bill, says the honorable and learned gentleman, is good for nothing: it is merely theoretical: it removes no real and sensible evil: it will not give the people more work, or higher wages, or cheaper bread. Undoubtedly, Sir, the bill will not immediately give all those things to the people. But will any institutions give them all those things? Do the present institutions of the country secure to them those advantages? If we are to pronounce the Reform Bill good for nothing, because it will not at once raise the nation from distress to prosperity, what are we to say of that system under which the nation has been of late sinking from prosperity into distress? The defect is not in the Reform Bill, but in the very nature of government. On the physical condition of the great body of the people, government acts not as a specific, but as

¹ Mr. Pemberton.

an alternative. Its operation is powerful, indeed, and certain, but gradual and indirect. The business of government is not directly to make the people rich, but to protect them in making themselves rich; and a government which attempts more than this is precisely the government which is likely to perform less. Governments do not and cannot support the people. We have no miraculous powers: we have not the rod of the Hebrew law-giver: we cannot rain down bread on the multitude from Heaven: we cannot smite the rock and give them to drink. We can give them only freedom to employ their industry to the best advantage and security in the enjoyment of what their industry has acquired. These advantages it is our duty to give at the smallest possible cost. The diligence and forethought of individuals will thus have fair play; and it is only by the diligence and forethought of individuals that the community can become prosperous. I am not aware that His Majesty's Ministers, or any of the supporters of this bill, have encouraged the people to hope, that Reform will remove distress, in any other way than by this indirect process. By this indirect process the bill will, I feel assured, conduce to the national prosperity. If it had been passed fifteen years ago, it would have saved us from our present embarrassments. If we pass it now, it will gradually extricate us from them. It will secure to us a House of Commons, which, by preserving peace, by destroying monopolies, by taking away unnecessary public burdens, by judiciously distributing necessary public burdens, will, in the progress of time, greatly improve our condition. This it will do; and those who blame it for not doing more blame it for not doing what no constitution, no code of laws, ever did or ever will do; what no legislator, who was not an ignorant and unprincipled quack, ever ventured to promise.

But chimerical as are the hopes which the honorable and learned Member for Rye imputes to the people, they

are not, I think, more chimerical than the fears which he has himself avowed. Indeed, those very gentlemen who are constantly telling us that we are taking a leap in the dark, that we pay no attention to the lessons of experience, that we are mere theorists, are themselves the despisers of experience, are themselves the mere theorists. They are terrified at the thought of admitting into Parliament members elected by ten-pound householders. They have formed in their own imaginations a most frightful idea of these members. My honorable and learned friend, the Member for Cockermouth,¹ is certain that these members will take every opportunity of promoting the interests of the journeyman in opposition to those of the capitalist. The honorable and learned Member for Rye is convinced that none but persons who have strong local connections will ever be returned for such constituent bodies. My honorable friend, the Member for Thetford,² tells us, that none but mob orators, men who are willing to pay the basest court to the multitude, will have any chance. Other speakers have gone still further, and have described to us the future borough members as so many Marats and Santerres, low, fierce, desperate men, who will turn the House into a bear garden, and who will try to turn the monarchy into a republic, mere agitators, without honor, without sense, without education, without the feelings or the manners of gentlemen. Whenever, during the course of the fatiguing discussions by which we have been so long occupied, there has been a cry of "question," or a noise at the bar, the orator who has been interrupted has remarked, that such proceedings will be quite in place in the Reformed Parliament, but that we ought to remember that the House of Commons is still an assembly of gentlemen. This, I say, is to set up mere theory, or rather mere prejudice, in opposition to long and ample experience. Are the gentlemen who talk thus ignorant that we have already

¹ Sir James Scarlett.

² Mr. Alexander Baring.

the means of judging what kind of men the ten-pound householders will send up to Parliament? Are they ignorant that there are even now large towns with very popular franchises, with franchises even more democratic than those which will be bestowed by the present bill? Ought they not, on their own principles, to look at the results of the experiments which have already been made, instead of predicting frightful calamities at random? How do the facts which are before us agree with their theories? Nottingham is a city with a franchise even more democratic than that which this bill establishes. Does Nottingham send hither mere vulgar demagogues? It returns two distinguished men, one an advocate, the other a soldier, both unconnected with the town. Every man paying scot and lot has a vote at Leicester. This is a lower franchise than the ten-pound franchise. Do we find that the Members for Leicester are the mere tools of the journeymen? I was at Leicester during the contest of 1826; and I recollect that the suffrages of the scot and lot voters were pretty equally divided between two candidates, neither of them connected with the place, neither of them a slave of the mob, one a Tory Baronet from Derbyshire, the other a most respectable and excellent friend of mine, connected with the manufacturing interest, and also an inhabitant of Derbyshire. Look at Norwich. Look at Northampton, with a franchise more democratic than even the scot and lot franchise. Northampton formerly returned Mr. Perceval, and now returns gentlemen of high respectability, gentlemen who have a great stake in the prosperity and tranquillity of the country. Look at the metropolitan districts. This is an *à fortiori* case. Nay it is — the expression, I fear, is awkward — an *à fortiori* case at two removes. The ten-pound householders of the metropolis are persons in a lower station of life than the ten-pound householders of other towns. The scot and lot franchise in the metropolis is again lower than the ten-pound franchise. Yet have Westminster

and Southwark been in the habit of sending us members of whom we have had reason to be ashamed, of whom we have not had reason to be proud? I do not say that the inhabitants of Westminster and Southwark have always expressed their political sentiments with proper moderation. That is not the question. The question is this: what kind of men have they elected? The very principle of all representative government is, that men who do not judge well of public affairs may be quite competent to choose others who will judge better. Whom, then, have Westminster and Southwark sent us during the last fifty years, years full of great events, years of intense popular excitement? Take any one of those nomination boroughs, the patrons of which have conscientiously endeavored to send fit men into this House. Compare the Members for that borough with the Members for Westminster and Southwark; and you will have no doubt to which the preference is due. It is needless to mention Mr. Fox, Mr. Sheridan, Mr. Tierney, Sir Samuel Romilly. Yet I must pause at the name of Sir Samuel Romilly. Was he a mob orator? Was he a servile flatterer of the multitude? Sir, if he had any fault, if there was any blemish on that most serene and spotless character, that character which every public man, and especially every professional man engaged in politics, ought to propose to himself as a model, it was this, that he despised popularity too much and too visibly. The honorable Member for Thetford told us that the honorable and learned Member for Rye, with all his talents, would have no chance of a seat in the Reformed Parliament, for want of the qualifications which succeed on the hustings. Did Sir Samuel Romilly ever appear on the hustings of Westminster? He never solicited one vote; he never showed himself to the electors, till he had been returned at the head of the poll. Even then, as I have heard from one of his nearest relatives, it was with reluctance that he submitted to be chaired. He shrank from being made a show. He

loved the people, and he served them; but Coriolanus himself was not less fit to canvass them. I will mention one other name, that of a man of whom I have only a childish recollection, but who must have been intimately known to many of those who hear me, Mr. Henry Thornton. He was a man eminently upright, honorable, and religious, a man of strong understanding, a man of great political knowledge; but, in all respects, the very reverse of a mob orator. He was a man who would not have yielded to what he considered as unreasonable clamor, I will not say to save his seat, but to save his life. Yet he continued to represent Southwark, Parliament after Parliament, for many years. Such has been the conduct of the scot and lot voters of the metropolis; and there is clearly less reason to expect democratic violence from ten-pound householders than from scot and lot householders; and from ten-pound householders in the country towns than from ten-pound householders in London. Experience, I say, therefore, is on our side; and on the side of our opponents nothing but mere conjecture and mere assertion.

Sir, when this bill was first brought forward, I supported it, not only on the ground of its intrinsic merits, but, also, because I was convinced that to reject it would be a course full of danger. I believe that the danger of that course is in no respect diminished. I believe, on the contrary, that it is increased. We are told that there is a reaction. The warmth of the public feeling, it seems, has abated. In this story both the sections of the party opposed to Reform are agreed; those who hate Reform because it will remove abuses, and those who hate it because it will avert anarchy; those who wish to see the electing body controlled by ejections, and those who wish to see it controlled by riots. They must now, I think, be undeceived. They must have already discovered that the surest way to prevent a reaction is to talk about it, and that the enthusiasm of the people is at once

rekindled by any indiscreet mention of their seeming coolness. This, Sir, is not the first reaction which the sagacity of the Opposition has discovered since the Reform Bill was brought in. Every gentleman who sat in the late Parliament, every gentleman who, during the sitting of the late Parliament, paid attention to political speeches and publications, must remember how, for some time before the debate on General Gascoyne's motion, and during the debate on that motion, and down to the very day of the dissolution, we were told that public feeling had cooled. The right honorable Baronet, the Member for Tamworth, told us so. All the literary organs of the Opposition, from the Quarterly Review down to the Morning Post, told us so. All the Members of the Opposition with whom we conversed in private told us so. I have in my eye a noble friend of mine, who assured me, on the very night which preceded the dissolution, that the people had ceased to be zealous for the ministerial plan, and that we were more likely to lose than to gain by the elections. The appeal was made to the people; and what was the result? What sign of a reaction appeared among the Livery of London? What sign of a reaction did the honorable Baronet who now represents Okehampton find among the freeholders of Cornwall?¹ How was it with the large represented towns? Had Liverpool cooled? or Bristol? or Leicester? or Coventry? or Nottingham? or Norwich? How was it with the great seats of manufacturing industry, Yorkshire, and Lancashire, and Staffordshire, and Warwickshire, and Cheshire? How was it with the agricultural districts, Northumberland and Cumberland, Leicestershire and Lincolnshire, Kent and Essex, Oxfordshire, Hampshire, Somersetshire, Dorsetshire, Devonshire? How was it with the strongholds of aristocratical influence, Newark, and Stamford, and Hertford, and St. Albans? Never did any people display, within the limits prescribed by

¹ Sir Richard Vyvyan.

law, so generous a fervor, or so steadfast a determination, as that very people whose apparent languor had just before inspired the enemies of Reform with a delusive hope.

Such was the end of the reaction of April; and, if that lesson shall not profit those to whom it was given, such and yet more signal will be the end of the reaction of September. The two cases are strictly analogous. In both cases the people were eager when they believed the bill to be in danger, and quiet when they believed it to be in security. During the three or four weeks which followed the promulgation of the ministerial plan, all was joy, and gratitude, and vigorous exertion. Everywhere meetings were held: everywhere resolutions were passed: from every quarter were sent up petitions to this House, and addresses to the Throne: and then the nation, having given vent to its first feelings of delight, having clearly and strongly expressed its opinions, having seen the principle of the bill adopted by the House of Commons on the second reading, became composed, and awaited the result with a tranquillity which the Opposition mistook for indifference. All at once the aspect of affairs changed. General Gascoyne's amendment was carried: the bill was again in danger: exertions were again necessary. Then was it well seen whether the calmness of the public mind was any indication of indifference. The depth and sincerity of the prevailing sentiments were proved, not by mere talking, but by actions, by votes, by sacrifices. Intimidation was defied: expenses were rejected: old ties were broken: the people struggled manfully: they triumphed gloriously: they placed the bill in perfect security, as far as this House was concerned; and they returned to their repose. They are now, as they were on the eve of General Gascoyne's motion, awaiting the issue of the deliberations of Parliament, without any indecent show of violence, but with anxious interest and immovable resolution. And because they are not exhibiting that noisy and rapturous enthu-

siasm which is in its own nature transient, because they are not as much excited as on the day when the plan of the government was first made known to them, or on the day when the late Parliament was dissolved, because they do not go on week after week, hallooing, and holding meetings, and marching about with flags, and making bonfires, and illuminating their houses, we are again told that there is a reaction. To such a degree can men be deceived by their wishes, in spite of their own recent experience. Sir, there is no reaction; and there will be no reaction. All that has been said on this subject convinces me only that those who are now, for the second time, raising this cry, know nothing of the crisis in which they are called on to act, or of the nation which they aspire to govern. All their opinions respecting this bill are founded on one great error. They imagine that the public feeling concerning Reform is a mere whim which sprang up suddenly out of nothing, and which will as suddenly vanish into nothing. They, therefore, confidently expect a reaction. They are always looking out for a reaction. Everything that they see, or that they hear, they construe into a sign of the approach of this reaction. They resemble the man in Horace, who lies on the bank of the river, expecting that it will every moment pass by and leave him a clear passage, not knowing the depth and abundance of the fountain which feeds it, not knowing that it flows, and will flow on forever. They have found out a hundred ingenious devices by which they deceive themselves. Sometimes they tell us that the public feeling about Reform was caused by the events which took place at Paris about fourteen months ago; though every observant and impartial man knows, that the excitement which the late French Revolution produced in England was not the cause but the effect of that progress which liberal opinions had made amongst us. Sometimes they tell us that we should not have been troubled with any complaints on the subject of the representation, if

the House of Commons had agreed to a certain motion, made in the Session of 1830, for inquiry into the causes of the public distress. I remember nothing about that motion, except that it gave rise to the dullest debate ever known; and the country, I am firmly convinced, cared not one straw about it. But is it not strange that men of real ability can deceive themselves so grossly, as to think that any change in the government of a foreign nation, or the rejection of any single motion, however popular, could all at once raise up a great, rich, enlightened nation, against its ancient institutions? Could such small drops have produced an overflowing, if the vessel had not already been filled to the very brim? These explanations are incredible, and if they were credible, would be anything but consolatory. If it were really true that the English people had taken a sudden aversion to a representative system which they had always loved and admired, because a single division in Parliament had gone against their wishes, or because, in a foreign country, in circumstances bearing not the faintest analogy to those in which we are placed, a change of dynasty had happened, what hope could we have for such a nation of madmen? How could we expect that the present form of government, or any form of government, would be durable amongst them?

Sir, the public feeling concerning Reform is of no such recent origin, and springs from no such frivolous causes. Its first faint commencement may be traced far, very far, back in our history. During seventy years that feeling has had a great influence on the public mind. Through the first thirty years of the reign of George the Third, it was gradually increasing. The great leaders of the two parties in the state were favorable to Reform. Plans of reform were supported by large and most respectable minorities in the House of Commons. The French Revolution, filling the higher and middle classes with an extreme dread of change, and the war calling

away the public attention from internal to external politics, threw the question back; but the people never lost sight of it. Peace came, and they were at leisure to think of domestic improvements. Distress came, and they suspected, as was natural, that their distress was the effect of unfaithful stewardship and unskilful legislation. An opinion favorable to Parliamentary Reform grew up rapidly, and became strong among the middle classes. But one tie, one strong tie, still bound those classes to the Tory party. I mean the Catholic Question. It is impossible to deny that, on that subject, a large proportion, a majority, I fear, of the middle class of Englishmen, conscientiously held opinions opposed to those which I have always entertained, and were disposed to sacrifice every other consideration to what they regarded as a religious duty. Thus the Catholic Question hid, so to speak, the question of Parliamentary Reform. The feeling in favor of Parliamentary Reform grew, but it grew in the shade. Every man, I think, must have observed the progress of that feeling in his own social circle. But few Reform meetings were held, and few petitions in favor of Reform presented. At length the Catholics were emancipated; the solitary link of sympathy which attached the people to the Tories was broken; the cry of "No Popery" could no longer be opposed to the cry of "Reform." That which, in the opinion of the two great parties in Parliament, and of a vast portion of the community, had been the first question, suddenly disappeared; and the question of Parliamentary Reform took the first place. Then was put forth all the strength which had been growing in silence and obscurity. Then it appeared that Reform had on its side a coalition of interests and opinions unprecedented in our history, all the liberality and intelligence which had supported the Catholic claims, and all the clamor which had opposed them.

This, I believe, is the true history of that public feeling on the subject of Reform which has been ascribed to

causes quite inadequate to the production of such an effect. If ever there was in the history of mankind a national sentiment which was the very opposite of a caprice, with which accident had nothing to do, which was produced by the slow, steady, certain progress of the human mind, it is the sentiment of the English people on the subject of Reform. Accidental circumstances may have brought that feeling to maturity in a particular year, or a particular month. That point I will not dispute; for it is not worth disputing. But those accidental circumstances have brought on Reform, only as the circumstance that, at a particular time, indulgences were offered for sale in a particular town in Saxony brought on the great separation from the Church of Rome. In both cases the public mind was prepared to move on the slightest impulse.

Thinking thus of the public opinion concerning Reform, being convinced that this opinion is the mature product of time and of discussion, I expect no reaction. I no more expect to see my countrymen again content with the mere semblance of a representation, than to see them again drowning witches or burning heretics, trying causes by red-hot ploughshares, or offering up human sacrifices to wicker idols. I no more expect a reaction in favor of Gatton and Old Sarum, than a reaction in favor of Thor and Odin. I should think such a reaction almost as much a miracle, as that the shadow should go back upon the dial. Revolutions produced by violence are often followed by reactions; the victories of reason once gained, are gained for eternity.

In fact, if there be, in the present aspect of public affairs, any sign peculiarly full of evil omen to the opponents of Reform, it is that very calmness of the public mind on which they found their expectation of success. They think that it is the calmness of indifference. It is the calmness of confident hope; and in proportion to the confidence of hope will be the bitterness of disappoint-

ment. Disappointment, indeed, I do not anticipate. That we are certain of success in this House is now acknowledged; and our opponents have, in consequence, during the whole of this Session, and particularly during the present debate, addressed their arguments and exhortations rather to the Lords than to the assembly of which they are themselves Members. Their principal argument has always been, that the Bill will destroy the peerage. The honorable and learned Member for Rye has, in plain terms, called on the Barons of England to save their order from democratic encroachments, by rejecting this measure. All these arguments, all these appeals, being interpreted, mean this: "Proclaim to your countrymen that you have no common interests with them, no common sympathies with them; that you can be powerful only by their weakness, and exalted only by their degradation; that the corruption which disgusts them and the oppression against which their spirit rises up are indispensable to your authority; that the freedom and purity of election are incompatible with the very existence of your House. Give them clearly to understand that your power rests, not, as they have hitherto imagined, on their rational convictions, or on their habitual veneration, or on your own great property, but on a system fertile of political evils, fertile also of low iniquities of which ordinary justice takes cognizance. Bind up, in inseparable union, the privileges of your estate with the grievances of ours: resolve to stand or fall with abuses visibly marked out for destruction: tell the people that they are attacking you in attacking the three holes in the wall, and that they shall never get rid of the three holes in the wall till they have got rid of you; that a hereditary peerage, and a representative assembly, can coexist only in name, and that, if they will have a real House of Peers, they must be content with a mock House of Commons." This, I say, is the advice given to the Lords by those who call themselves the friends of aristocracy.

That advice so pernicious will not be followed, I am well assured; yet I cannot but listen to it with uneasiness. I cannot but wonder that it should proceed from the lips of men who are constantly lecturing us on the duty of consulting history and experience. Have they never heard what effects counsels like their own, when too faithfully followed, have produced? Have they never visited that neighboring country, which still presents to the eye, even of a passing stranger, the signs of a great dissolution and renovation of society? Have they never walked by those stately mansions, now sinking into decay, and portioned out into lodging rooms, which line the silent streets of the Faubourg St. Germain? Have they never seen the ruins of those castles whose terraces and gardens overhang the Loire? Have they never heard that from those magnificent hotels, from those ancient castles, an aristocracy as splendid, as brave, as proud, as accomplished as ever Europe saw, was driven forth to exile and beggary, to implore the charity of hostile governments and hostile creeds, to cut wood in the back settlements of America, or to teach French in the schoolrooms of London? And why were those haughty nobles destroyed with that utter destruction? Why were they scattered over the face of the earth, their titles abolished, their escutcheons defaced, their parks wasted, their palaces dismantled, their heritage given to strangers? Because they had no sympathy with the people, no discernment of the signs of their time; because, in the pride and narrowness of their hearts, they called those whose warnings might have saved them theorists and speculators; because they refused all concession till the time had arrived when no concession would avail. I have no apprehension that such a fate awaits the nobles of England. I draw no parallel between our aristocracy and that of France. Those who represent the peerage as a class whose power is incompatible with the just influence of the people in the state draw that parallel, and not I. They do all in

their power to place the Lords and Commons of England in that position with respect to each other in which the French gentry stood with respect to the Third Estate. But I am convinced that these advisers will not succeed. We see, with pride and delight, among the friends of the people, the Talbots, the Cavendishes, the princely house of Howard. Foremost among those who have entitled themselves, by their exertions in this House, to the lasting gratitude of their countrymen, we see the descendants of Marlborough, of Russell, and of Derby. I hope, and firmly believe, that the Lords will see what their interest and their honor require. I hope, and firmly believe, that they will act in such a manner as to entitle themselves to the esteem and affection of the people. But if not, let not the enemies of Reform imagine that their reign is straightway to recommence, or that they have obtained anything more than a short and uneasy respite. We are bound to respect the constitutional rights of the Peers; but we are bound also not to forget our own. We, too, have our privileges; we, too, are an estate of the realm. A House of Commons strong in the love and confidence of the people, a House of Commons which has nothing to fear from a dissolution, is something in the government. Some persons, I well know, indulge a hope that the rejection of the bill will at once restore the domination of that party which fled from power last November, leaving everything abroad and everything at home in confusion; leaving the European system, which it had built up at a vast cost of blood and treasure, falling to pieces in every direction; leaving the dynasties which it had restored, hastening into exile; leaving the nations which it had joined together, breaking away from each other; leaving the fundholders in dismay; leaving the peasantry in insurrection; leaving the most fertile counties lighted up with the fires of incendiaries; leaving the capital in such a state, that a royal procession could not safely pass through it. Dark and terrible, beyond

any season within my remembrance of political affairs, was the day of their flight. Far darker and far more terrible will be the day of their return. They will return in opposition to the whole British nation, united as it was never before united on any internal question; united as firmly as when the Armada was sailing up the Channel; united as firmly as when Bonaparte pitched his camp on the cliffs of Boulogne. They will return pledged to defend evils which the people are resolved to destroy. They will return to a situation in which they can stand only by crushing and trampling down public opinion, and from which, if they fall, they may, in their fall, drag down with them the whole frame of society. Against such evils, should such evils appear to threaten the country, it will be our privilege and our duty to warn our gracious and beloved sovereign. It will be our privilege and our duty to convey the wishes of a loyal people to the throne of a patriot king. At such a crisis the proper place for the House of Commons is in front of the nation; and in that place this House will assuredly be found. Whatever prejudice or weakness may do elsewhere to ruin the empire, here, I trust, will not be wanting the wisdom, the virtue, and the energy that may save it.

PARLIAMENTARY REFORM

IV

OCTOBER 10, 1831

On the morning of Saturday, the eighth of October, 1831, the House of Lords, by a majority of 199 to 158, rejected the Reform Bill. On the Monday following, Lord Ebrington, Member for Devonshire, moved the following resolution in the House of Commons: —

“That while this House deeply laments the present fate of a bill for amending the representation of the people in England and Wales, in favour of which the opinion of the country stands unequivocally pronounced, and which has been matured by discussions the most anxious and laborious, it feels itself called upon to reassert its firm adherence to the principle and leading provisions of that great measure, and to express its unabated confidence in the integrity, perseverance, and ability of those Ministers, who, in introducing and conducting it, have so well consulted the best interests of the country.”

The resolution was carried by 329 votes to 198. The following Speech was made early in the debate.

I DOUBT, Sir, whether any person who had merely heard the speech of the right honorable Member for the University of Cambridge¹ would have been able to conjecture what the question is which we are discussing, and what the occasion on which we are assembled. For myself, I can with perfect sincerity declare that never in the whole course of my life did I feel my mind oppressed by so deep and solemn a sense of responsibility as at the present moment. I firmly believe that the country is

¹ Mr. Goulburn.

now in danger of calamities greater than ever threatened it, from domestic misgovernment or from foreign hostility. The danger is no less than this, that there may be a complete alienation of the people from their rulers. To soothe the public mind, to reconcile the people to the delay, the short delay, which must intervene before their wishes can be legitimately gratified, and in the meantime to avert civil discord, and to uphold the authority of law, these are, I conceive, the objects of my noble friend, the Member for Devonshire: these ought, at the present crisis, to be the objects of every honest Englishman. They are objects which will assuredly be attained, if we rise to this great occasion, if we take our stand in the place which the Constitution has assigned to us, if we employ, with becoming firmness and dignity, the powers which belong to us as trustees of the nation, and as advisers of the Throne.

Sir, the Resolution of my noble friend consists of two parts. He calls upon us to declare our undiminished attachment to the principles of the Reform Bill, and also our undiminished confidence in His Majesty's Ministers. I consider these two declarations as identical. The question of Reform is, in my opinion, of such paramount importance, that, approving the principles of the Ministerial Bill, I must think the Ministers who have brought that bill forward, although I may differ from them on some minor points, entitled to the strongest support of Parliament. The right honorable gentleman, the Member for the University of Cambridge, has attempted to divert the course of the debate to questions comparatively unimportant. He has said much about the coal duty, about the candle duty, about the budget of the present Chancellor of the Exchequer. On most of the points to which he has referred, it would be easy for me, were I so inclined, to defend the Ministers; and, where I could not defend them, I should find it easy to recriminate on those who preceded them. The right honorable Member

for the University of Cambridge has taunted the Ministers with the defeat which their plan respecting the timber trade sustained in the last Parliament. I might, perhaps, at a more convenient season, be tempted to inquire whether that defeat was more disgraceful to them or to their predecessors. I might, perhaps, be tempted to ask the right honorable gentleman whether, if he had not been treated, while in office, with more fairness than he has shown while in opposition, it would have been in his power to carry his best bill, the Beer Bill? He has accused the Ministers of bringing forward financial propositions, and then withdrawing those propositions. Did not he bring forward, during the Session of 1830, a plan respecting the sugar duties? And was not that plan withdrawn? But, Sir, this is mere trifling. I will not be seduced from the matter in hand by the right honorable gentleman's example. At the present moment I can see only one question in the state, the question of Reform; only two parties, the friends of the Reform Bill and its enemies.

It is not my intention, Sir, again to discuss the merits of the Reform Bill. The principle of that bill received the approbation of the late House of Commons after a discussion of ten nights, and the bill, as it now stands, after a long and most laborious investigation, passed the present House of Commons by a majority which was nearly half as large again as the minority. This was little more than a fortnight ago. Nothing has since occurred to change our opinion. The justice of the case is unaltered. The public enthusiasm is undiminished. Old Sarum has grown no larger. Manchester has grown no smaller. In addressing this House, therefore, I am entitled to assume that the bill is in itself a good bill. If so, ought we to abandon it merely because the Lords have rejected it? We ought to respect the lawful privileges of their House; but we ought also to assert our own. We are constitutionally as independent of their

Lordships as their Lordships are of us. We have precisely as good a right to adhere to our opinion as they have to dissent from it. In speaking of their decision, I will attempt to follow that example of moderation which was so judiciously set by my noble friend, the Member for Devonshire. I will only say that I do not think that they are more competent to form a correct judgment on a political question than we are. It is certain that, on all the most important points on which the two Houses have for a long time past differed, the Lords have at length come over to the opinion of the Commons. I am therefore entitled to say, that with respect to all those points, the Peers themselves being judges, the House of Commons was in the right and the House of Lords in the wrong. It was thus with respect to the slave trade: it was thus with respect to Catholic Emancipation: it was thus with several other important questions. I, therefore, cannot think that we ought, on the present occasion, to surrender our judgment to those who have acknowledged that, on former occasions of the same kind, we have judged more correctly than they.

Then again, Sir, I cannot forget how the majority and the minority in this House were composed; I cannot forget that the majority contained almost all those gentlemen who are returned by large bodies of electors. It is, I believe, no exaggeration to say, that there were single Members of the majority who had more constituents than the whole minority put together. I speak advisedly and seriously. I believe that the number of freeholders of Yorkshire exceeds that of all the electors who return the Opposition. I cannot with propriety comment here on any reports which may have been circulated concerning the majority and minority in the House of Lords. I may, however, mention these notoriously historical facts; that during the last forty years the powers of the executive government have been, almost without intermission, exercised by a party opposed to Reform; and that a very

great number of Peers have been created, and all the present Bishops raised to the bench during those years. On this question, therefore, while I feel more than usual respect for the judgment of the House of Commons, I feel less than usual respect for the judgment of the House of Lords. Our decision is the decision of the nation; the decision of their Lordships can scarcely be considered as the decision even of that class from which the Peers are generally selected, and of which they may be considered as virtual representatives, the great landed gentlemen of England. It seems to me clear, therefore, that we ought, notwithstanding what has passed in the other House, to adhere to our opinion concerning the Reform Bill.

The next question is this: ought we to make a formal declaration that we adhere to our opinion? I think that we ought to make such a declaration; and I am sure that we cannot make it in more temperate or more constitutional terms than those which my noble friend asks us to adopt. I support the Resolution which he has proposed with all my heart and soul: I support it as a friend to Reform; but I support it still more as a friend to law, to property, to social order. No observant and unprejudiced man can look forward without great alarm to the effects which the recent decision of the Lords may possibly produce. I do not predict, I do not expect, open, armed insurrection. What I apprehend is this, that the people may engage in a silent, but extensive and persevering war against the law. What I apprehend is, that England may exhibit the same spectacle which Ireland exhibited three years ago, agitators stronger than the magistrate, associations stronger than the law, a government powerful enough to be hated, and not powerful enough to be feared, a people bent on indemnifying themselves by illegal excesses for the want of legal privileges. I fear, that we may before long see the tribunals defied, the taxgatherer resisted, public credit shaken, property

insecure, the whole frame of society hastening to dissolution. It is easy to say, "Be bold: be firm: defy intimidation: let the law have its course: the law is strong enough to put down the seditious." Sir, we have heard all this blustering before; and we know in what it ended. It is the blustering of little men whose lot has fallen on a great crisis. Xerxes scourging the winds, Canute commanding the waves to recede from his footstool, were but types of the folly of those who apply the maxims of the Quarter Sessions to the great convulsions of society. The law has no eyes: the law has no hands: the law is nothing, nothing but a piece of paper printed by the King's printer, with the King's arms at the top, till public opinion breathes the breath of life into the dead letter. We found this in Ireland. The Catholic Association bearded the government. The government resolved to put down the Association. An indictment was brought against my honorable and learned friend, the Member for Kerry. The Grand Jury threw it out. Parliament met. The Lords Commissioners came down with a speech recommending the suppression of the self-constituted legislature of Dublin. A bill was brought in: it passed both Houses by large majorities: it received the Royal assent. And what effect did it produce? Exactly as much as that old Act of Queen Elizabeth, still unrepealed, by which it is provided that every man who, without a special exemption, shall eat meat on Fridays and Saturdays, shall pay a fine of twenty shillings or go to prison for a month. Not only was the Association not destroyed: its power was not for one day suspended: it flourished and waxed strong under the law which had been made for the purpose of annihilating it. The elections of 1826, the Clare election two years later, proved the folly of those who think that nations are governed by wax and parchment: and, at length, in the close of 1828, the government had only one plain choice before it, concession or civil war. Sir, I firmly believe that, if the

people of England shall lose all hope of carrying the Reform Bill by constitutional means, they will forthwith begin to offer to the government the same kind of resistance which was offered to the late government, three years ago, by the people of Ireland, a resistance by no means amounting to rebellion, a resistance rarely amounting to any crime defined by the law, but a resistance, nevertheless, which is quite sufficient to obstruct the course of justice, to disturb the pursuits of industry, and to prevent the accumulation of wealth. And is not this a danger which we ought to fear? And is not this a danger which we are bound, by all means in our power, to avert? And who are those who taunt us for yielding to intimidation? Who are those who affect to speak with contempt of associations, and agitators, and public meetings? Even the very persons who, scarce two years ago, gave up to associations, and agitators, and public meetings, their boasted Protestant Constitution, proclaiming all the time that they saw the evils of Catholic Emancipation as strongly as ever. Surely, surely, the note of defiance, which is now so loudly sounded in our ears, proceeds with a peculiarly bad grace from men whose highest glory it is that they abased themselves to the dust before a people whom their policy had driven to madness, from men the proudest moment of whose lives was that in which they appeared in the character of persecutors scared into toleration. Do they mean to indemnify themselves for the humiliation of quailing before the people of Ireland by trampling on the people of England? If so, they deceive themselves. The case of Ireland, though a strong one, was by no means so strong a case as that with which we have now to deal. The government, in its struggle with the Catholics of Ireland, had Great Britain at its back. Whom will it have at its back in the struggle with the Reformers of Great Britain? I know only two ways in which societies can permanently be governed, by public opinion, and by the

sword. A government having at its command the armies, the fleets, and the revenues of Great Britain might possibly hold Ireland by the sword. So Oliver Cromwell held Ireland; so William the Third held it; so Mr. Pitt held it; so the Duke of Wellington might perhaps have held it. But to govern Great Britain by the sword! So wild a thought has never, I will venture to say, occurred to any public man of any party; and, if any man were frantic enough to make the attempt, he would find, before three days had expired, that there is no better sword than that which is fashioned out of a ploughshare. But, if not by the sword, how is the country to be governed? I understand how the peace is kept at New York. It is by the assent and support of the people. I understand also how the peace is kept at Milan. It is by the bayonets of the Austrian soldiers. But how the peace is to be kept when you have neither the popular assent nor the military force, how the peace is to be kept in England by a government acting on the principles of the present Opposition, I do not understand.

There is in truth a great anomaly in the relation between the English people and their government. Our institutions are either too popular or not popular enough. The people have not sufficient power in making the laws; but they have quite sufficient power to impede the execution of the laws when made. The legislature is almost entirely aristocratical; the machinery by which the decrees of the legislature are carried into effect is almost entirely popular; and, therefore, we constantly see all the power which ought to execute the law, employed to counteract the law. Thus, for example, with a criminal code which carries its rigor to the length of atrocity, we have a criminal judicature which often carries its lenity to the length of perjury. Our law of libel is the most absurdly severe that ever existed, so absurdly severe that, if it were carried into full effect, it would be much more oppressive than a censorship. And yet, with this severe

law of libel, we have a Press which practically is as free as the air. In 1819, the Ministers complained of the alarming increase of seditious and blasphemous publications. They proposed a bill of great rigor to stop the growth of the evil; and they carried their bill. It was enacted, that the publisher of a seditious libel might, on a second conviction, be banished, and that if he should return from banishment, he might be transported. How often was this law put in force? Not once. Last year we repealed it: but it was already dead, or rather it was dead born. It was obsolete before *Le Roi le veut* had been pronounced over it. For any effect which it produced it might as well have been in the Code Napoleon as in the English Statute Book. And why did the government, having solicited and procured so sharp and weighty a weapon, straightway hang it up to rust? Was there less sedition, were there fewer libels, after the passing of the Act than before it? Sir, the very next year was the year 1820, the year of the Bill of Pains and Penalties against Queen Caroline, the very year when the public mind was most excited, the very year when the public press was most scurrilous. Why, then, did not the Ministers use their new law? Because they durst not: because they could not. They had obtained it with ease; for in obtaining it they had to deal with a subservient Parliament. They could not execute it; for in executing it they would have to deal with a refractory people. These are instances of the difficulty of carrying the law into effect when the people are inclined to thwart their rulers. The great anomaly, or, to speak more properly, the great evil which I have described, would, I believe, be removed by the Reform Bill. That bill would establish harmony between the people and the legislature. It would give a fair share in the making of laws to those without whose coöperation laws are mere waste paper. Under a reformed system we should not see, as we now often see, the nation repealing Acts of Parlia-

ment as fast as we and the Lords can pass them. As I believe that the Reform Bill would produce this blessed and salutary concord, so I fear that the rejection of the Reform Bill, if that rejection should be considered as final, will aggravate the evil which I have been describing to an unprecedented, to a terrible extent. To all the laws which might be passed for the collection of the revenue, or for the prevention of sedition, the people would oppose the same kind of resistance by means of which they have succeeded in mitigating, I might say in abrogating, the law of libel. There would be so many offenders that the government would scarcely know at whom to aim its blow. Every offender would have so many accomplices and protectors, that the blow would almost always miss the aim. The Veto of the people, a Veto not pronounced in set form like that of the Roman Tribunes, but quite as effectual as that of the Roman Tribunes for the purpose of impeding public measures, would meet the government at every turn. The Administration would be unable to preserve order at home, or to uphold the national honor abroad; and, at length, men who are now moderate, who now think of revolution with horror, would begin to wish that the lingering agony of the state might be terminated by one fierce, sharp, decisive crisis.

Is there a way of escape from these calamities? I believe that there is. I believe that, if we do our duty, if we give the people reason to believe that the accomplishment of their wishes is only deferred, if we declare our undiminished attachment to the Reform Bill, and our resolution to support no minister who will not support that bill, we shall avert the fearful disasters which impend over the country. There is danger that, at this conjuncture, men of more zeal than wisdom may obtain a fatal influence over the public mind. With these men will be joined others, who have neither zeal nor wisdom, common barrators in politics, dregs of society which, in

times of violent agitation, are tossed up from the bottom to the top, and which, in quiet times, sink again from the top to their natural place at the bottom. To these men nothing is so hateful as the prospect of a reconciliation between the orders of the state. A crisis like that which now makes every honest citizen sad and anxious fills these men with joy, and with a detestable hope. And how is it that such men, formed by nature and education to be objects of mere contempt, can ever inspire terror? How is it that such men, without talents or acquirements sufficient for the management of a vestry, sometimes become dangerous to great empires? The secret of their power lies in the indolence or faithlessness of those who ought to take the lead in the redress of public grievances. The whole history of low traders in sedition is contained in that fine old Hebrew fable which we have all read in the Book of Judges. The trees meet to choose a king. The vine, and the fig tree, and the olive tree decline the office. Then it is that the sovereignty of the forest devolves upon the bramble: then it is that from a base and noxious shrub goes forth the fire which devours the cedars of Lebanon. Let us be instructed. If we are afraid of Political Unions and Reform Associations, let the House of Commons become the chief point of political union: let the House of Commons be the great Reform Association. If we are afraid that the people may attempt to accomplish their wishes by unlawful means, let us give them a solemn pledge that we will use in their cause all our high and ancient privileges, so often victorious in old conflicts with tyranny: those privileges which our ancestors invoked, not in vain, on the day when a faithless king filled our house with his guards, took his seat, Sir, on your chair, and saw your predecessor kneeling on the floor before him. The Constitution of England, thank God, is not one of those constitutions which are past all repair, and which must, for the public wel-

fare, be utterly destroyed. It has a decayed part: but it has also a sound and precious part. It requires purification; but it contains within itself the means by which that purification may be effected. We read that in old times, when the villains were driven to revolt by oppression, when the castles of the nobility were burned to the ground, when the warehouses of London were pillaged, when a hundred thousand insurgents appeared in arms on Blackheath, when a foul murder perpetrated in their presence had raised their passions to madness, when they were looking round for some captain to succeed and avenge him whom they had lost, just then, before Hob Miller, or Tom Carter, or Jack Straw, could place himself at their head, the King rode up to them and exclaimed, "I will be your leader!" and at once the infuriated multitude laid down their arms, submitted to his guidance, dispersed at his command. Herein let us imitate him. Our countrymen are, I fear, at this moment, but too much disposed to lend a credulous ear to selfish impostors. Let us say to them, "We are your leaders; we, your own House of Commons; we, the constitutional interpreters of your wishes; the knights of forty English shires, the citizens and burgesses of all your largest towns. Our lawful power shall be firmly exerted to the utmost in your cause; and our lawful power is such, that when firmly exerted in your cause, it must finally prevail." This tone it is our interest and our duty to take. The circumstances admit of no delay. Is there one among us who is not looking with breathless anxiety for the next tidings which may arrive from the remote parts of the kingdom? Even while I speak, the moments are passing away, the irrevocable moments pregnant with the destiny of a great people. The country is in danger: it may be saved: we can save it: this is the way: this is the time. In our hands are the issues of great good and great evil, the issues of the life and death of the state.

May the result of our deliberations be the repose and prosperity of that noble country which is entitled to all our love; and for the safety of which we are answerable to our own consciences, to the memory of future ages, to the Judge of all hearts!

PARLIAMENTARY REFORM

V

DECEMBER 16, 1831

On Friday, the sixteenth of December, 1831, Lord Althorpe moved the second reading of the Bill to amend the representation of the people in England and Wales. Lord Porchester moved, as an amendment, that the Bill should be read a second time that day six months. The debate lasted till after midnight, and was then adjourned till twelve at noon. The House did not divide till one on the Sunday morning. The amendment was then rejected by 324 votes to 162; and the original motion was carried. The following Speech was made on the first night of the debate.

I CAN assure my noble friend,¹ for whom I entertain sentiments of respect and kindness which no political difference will, I trust, ever disturb, that his remarks have given me no pain, except, indeed, the pain which I feel at being compelled to say a few words about myself. Those words shall be very few. I know how unpopular egotism is in this House. My noble friend says that, in the debates of last March, I declared myself opposed to the ballot, and that I have since recanted, for the purpose of making myself popular with the inhabitants of Leeds. My noble friend is altogether mistaken. I never said, in any debate, that I was opposed to the ballot. The word ballot never passed my lips within this House. I observed strict silence respecting it on two accounts: in the first place, because my own opinions were, till very lately, undecided; in the second

¹ Lord Mahon.

place, because I knew that the agitation of that question, a question of which the importance appears to me to be greatly overrated, would divide those on whose firm and cordial union the safety of the empire depends. My noble friend has taken this opportunity of replying to a speech which I made last October. The doctrines which I then laid down were, according to him, most intemperate and dangerous. Now, Sir, it happens, curiously enough, that my noble friend has himself asserted, in his speech of this night, those very doctrines, in language so nearly resembling mine that I might fairly accuse him of plagiarism. I said that laws have no force in themselves, and that, unless supported by public opinion, they are a mere dead letter. The noble Lord has said exactly the same thing to-night. "Keep your old Constitution!" he exclaims; "for, whatever may be its defects in theory, it has more of the public veneration than your new Constitution will have; and no laws can be efficient, unless they have the public veneration." I said, that statutes are in themselves only wax and parchment; and I was called an incendiary by the Opposition. The noble Lord has said to-night that statutes in themselves are only ink and parchment; and those very persons who reviled me have enthusiastically cheered him. I am quite at a loss to understand how doctrines which are, in his mouth, true and constitutional, can, in mine, be false and revolutionary.

But, Sir, it is time that I should address myself to the momentous question before us. I shall certainly give my best support to this bill through all its stages; and, in so doing, I conceive that I shall act in strict conformity with the resolution by which this House, towards the close of the late Session, declared its unabated attachment to the principles and to the leading provisions of the first Reform Bill. All those principles, all those leading provisions, I find in the present measure. In the details there are, undoubtedly, considerable altera-

tions. Most of the alterations appear to me to be improvements; and even those alterations which I cannot consider as in themselves improvements will yet be most useful, if their effect shall be to conciliate opponents, and to facilitate the adjustment of a question which, for the sake of order, for the sake of peace, for the sake of trade, ought to be, not only satisfactorily, but speedily settled. We have been told, Sir, that, if we pronounce this bill to be a better bill than the last, we recant all the doctrines which we maintained during the last Session; we sing our palinode; we allow that we have had a great escape; we allow that our own conduct was deserving of censure; we allow that the party which was the minority in this House, and, most unhappily for the country, the majority in the other House, has saved the country from a great calamity. Sir, even if this charge were well founded, there are those who should have been prevented by prudence, if not by magnanimity, from bringing it forward. I remember an Opposition which took a very different course. I remember an Opposition which, while excluded from power, taught all its doctrines to the government; which, after laboring long, and sacrificing much, in order to effect improvements in various parts of our political and commercial system, saw the honor of those improvements appropriated by others. But the members of that Opposition had, I believe, a sincere desire to promote the public good. They, therefore, raised no shout of triumph over the recantations of their proselytes. They rejoiced, but with no ungenerous joy, when their principles of trade, of jurisprudence, of foreign policy, of religious liberty, became the principles of the Administration. They were content that he who came into fellowship with them at the eleventh hour should have a far larger share of the reward than those who had borne the burden and heat of the day. In the year 1828, a single division in this House changed the whole policy of the government with respect to the Test

and Corporation Acts. My noble friend, the Paymaster of the Forces, then sat where the right honorable Baronet, the Member for Tamworth, now sits. I do not remember that, when the right honorable Baronet announced his change of purpose, my noble friend sprang up to talk about palinodes, to magnify the wisdom and virtue of the Whigs, and to sneer at his new coadjutors. Indeed, I am not sure that the members of the late Opposition did not carry their indulgence too far; that they did not too easily suffer the fame of Grattan and Romilly to be transferred to less deserving claimants; that they were not too ready, in the joy with which they welcomed the tardy and convenient repentance of their converts, to grant a general amnesty for the errors or the insincerity of years. If it were true that we had recanted, this ought not to be made matter of charge against us by men whom posterity will remember by nothing but recantations. But, in truth, we recant nothing. We have nothing to recant. We support this bill. We may possibly think it a better bill than that which preceded it. But are we therefore bound to admit that we were in the wrong, that the Opposition was in the right, that the House of Lords has conferred a great benefit on the nation? We saw — who did not see? — great defects in the first bill. But did we see nothing else? Is delay no evil? Is prolonged excitement no evil? Is it no evil that the heart of a great people should be made sick by deferred hope? We allow that many of the changes which have been made are improvements. But we think that it would have been far better for the country to have had the last bill, with all its defects, than the present bill, with all its improvements. Second thoughts are proverbially the best, but there are emergencies which do not admit of second thoughts. There probably never was a law which might not have been amended by delay. But there have been many cases in which there would have been more mischief in the delay than benefit in the

amendments. The first bill, however inferior it may have been in its details to the present bill, was yet herein far superior to the present bill, that it was the first. If the first bill had passed, it would, I firmly believe, have produced a complete reconciliation between the aristocracy and the people. It is my earnest wish and prayer that the present bill may produce this blessed effect; but I cannot say that my hopes are so sanguine as they were at the beginning of the last Session. The decision of the House of Lords has, I fear, excited in the public mind feelings of resentment which will not soon be allayed. What then, it is said, would you legislate in haste? Would you legislate in times of great excitement concerning matters of such deep concern? Yes, Sir, I would: and if any bad consequences should follow from the haste and the excitement, let those be held answerable who, when there was no need of haste, when there existed no excitement, refused to listen to any project of Reform, nay, who made it an argument against Reform, that the public mind was not excited. When few meetings were held, when few petitions were sent up to us, these politicians said, "Would you alter a Constitution with which the people are perfectly satisfied?" And now, when the kingdom from one end to the other is convulsed by the question of Reform, we hear it said by the very same persons, "Would you alter the representative system in such agitated times as these?" Half the logic of misgovernment lies in this one sophistical dilemma: If the people are turbulent, they are unfit for liberty: if they are quiet, they do not want liberty.

I allow that hasty legislation is an evil. I allow that there are great objections to legislating in troubled times. But Reformers are compelled to legislate fast, because bigots will not legislate early. Reformers are compelled to legislate in times of excitement, because bigots will not legislate in times of tranquillity. If, ten years ago, nay if only two years ago, there had been at the head of

affairs men who understood the signs of the times and the temper of the nation, we should not have been forced to hurry now. If we cannot take our time, it is because we have to make up for their lost time. If they had reformed gradually, we might have reformed gradually; but we are compelled to move fast, because they would not move at all.

Though I admit, Sir, that this bill is in its details superior to the former bill, I must say that the best parts of this bill, those parts for the sake of which principally I support it, those parts for the sake of which I would support it, however imperfect its details might be, are parts which it has in common with the former bill. It destroys nomination; it admits the great body of the middle orders to a share in the government; and it contains provisions which will, as I conceive, greatly diminish the expense of elections.

Touching the expense of elections I will say a few words, because that part of the subject has not, I think, received so much attention as it deserves. Whenever the nomination boroughs are attacked, the opponents of reform produce a long list of eminent men who have sat for those boroughs, and who, they tell us, would never have taken any part in public affairs but for those boroughs. Now, Sir, I suppose no person will maintain that a large constituent body is likely to prefer ignorant and incapable men to men of information and ability? Whatever objections there may be to democratic institutions, it was never, I believe, doubted that those institutions are favorable to the development of talents. We may prefer the Constitution of Sparta to that of Athens, or the Constitution of Venice to that of Florence: but no person will deny that Athens produced more great men than Sparta, or that Florence produced more great men than Venice. But to come nearer home; the five largest English towns which have now the right of returning two members each by popular election, are Westminster,

Southwark, Liverpool, Bristol, and Norwich. Now let us see what members those places have sent to Parliament. I will not speak of the living, though among the living are some of the most distinguished ornaments of the House. I will confine myself to the dead. Among many respectable and useful Members of Parliament, whom these towns have returned, during the last half century, I find Mr. Burke, Mr. Fox, Mr. Sheridan, Mr. Windham, Mr. Tierney, Sir Samuel Romilly, Mr. Canning, Mr. Huskisson. These were eight of the most illustrious parliamentary leaders of the generation which is passing away from the world. Mr. Pitt was, perhaps, the only person worthy to make a ninth with them. It is, surely, a remarkable circumstance that, of the nine most distinguished Members of the House of Commons who have died within the last forty years, eight should have been returned to Parliament by the five largest represented towns. I am, therefore, warranted in saying that great constituent bodies are quite as competent to discern merit, and quite as much disposed to reward merit, as the proprietors of boroughs. It is true that some of the distinguished statesmen whom I have mentioned would never have been known to large constituent bodies if they had not first sat for nomination boroughs. But why is this? Simply, because the expense of contesting popular places, under the present system, is ruinously great. A poor man cannot defray it; an untried man cannot expect his constituents to defray it for him. And this is the way in which our representative system is defended. Corruption vouches corruption. Every abuse is made the plea for another abuse. We must have nomination at Gatton, because we have profusion at Liverpool. Sir, these arguments convince me, not that no Reform is required, but that a very deep and searching Reform is required. If two evils serve in some respects to counterbalance each other, this is a reason, not for keeping both, but for getting rid of both together.

At present you close against men of talents that broad, that noble entrance which belongs to them, and which ought to stand wide open to them; and in exchange you open to them a by entrance, low and narrow, always obscure, often filthy, through which, too often, they can pass only by crawling on their hands and knees, and from which they too often emerge sullied with stains never to be washed away. But take the most favorable case. Suppose that the member who sits for a nomination borough owes his seat to a man of virtue and honor, to a man whose service is perfect freedom, to a man who would think himself degraded by any proof of gratitude which might degrade his nominee. Yet is it nothing that such a member comes into this House wearing the badge, though not feeling the chain of servitude? Is it nothing that he cannot speak of his independence without exciting a smile? Is it nothing that he is considered, not as a representative, but as an adventurer? This is what your system does for men of genius. It admits them to political power, not as, under better institutions, they would be admitted to power, erect, independent, unsullied; but by means which corrupt the virtue of many, and in some degree diminish the authority of all. Could any system be devised, better fitted to pervert the principles and break the spirit of men formed to be the glory of their country? And, can we mention no instance in which this system has made such men useless, or worse than useless, to the country of which their talents were the ornament, and might, in happier circumstances, have been the salvation? Ariel, the beautiful and kindly Ariel, doing the bidding of the loathsome and malignant Sycorax, is but a faint type of genius enslaved by the spells, and employed in the drudgery, of corruption:

“A spirit too delicate

To act those earthy and abhorred commands.”

We cannot do a greater service to men of real merit than by destroying that which has been called their refuge,

which is their house of bondage; by taking from them the patronage of the great, and giving to them in its stead the respect and confidence of the people. The bill now before us will, I believe, produce that happy effect. It facilitates the canvass; it reduces the expense of legal agency; it shortens the poll; above all, it disfranchises the outvoters. It is not easy to calculate the precise extent to which these changes will diminish the cost of elections. I have attempted, however, to obtain some information on this subject. I have applied to a gentleman of great experience in affairs of this kind, a gentleman who, at the last three general elections, managed the finances of the popular party in one of the largest boroughs in the kingdom. He tells me, that at the general election of 1826, when that borough was contested, the expenses of the popular candidate amounted to eighteen thousand pounds; and that, by the best estimate which can now be made, the borough may, under the reformed system, be as effectually contested for one tenth part of that sum. In the new constituent bodies there are no ancient rights reserved. In those bodies, therefore, the expense of an election will be still smaller. I firmly believe, that it will be possible to poll out Manchester for less than the market price of Old Sarum.

Sir, I have, from the beginning of these discussions, supported Reform on two grounds: first, because I believe it to be in itself a good thing; and secondly, because I think the dangers of withholding it so great that, even if it were an evil, it would be the less of two evils. The dangers of the country have in no wise diminished. I believe that they have greatly increased. It is, I fear, impossible to deny that what has happened with respect to almost every great question that ever divided mankind has happened also with respect to the Reform Bill. Wherever great interests are at stake there will be much excitement; and wherever there is much excitement there will be some extravagance. The same great stirring of

the human mind which produced the Reformation produced also the follies and crimes of the Anabaptists. The same spirit which resisted the Ship-money, and abolished the Star Chamber, produced the Levellers and the Fifth Monarchy men. And so, it cannot be denied that bad men, availing themselves of the agitation produced by the question of Reform, have promulgated, and promulgated with some success, doctrines incompatible with the existence, I do not say of monarchy, or of aristocracy, but of all law, of all order, of all property, of all civilization, of all that makes us to differ from Mohawks or Hottentots. I bring no accusation against that portion of the working classes which has been imposed upon by these doctrines. Those persons are what their situation has made them, ignorant from want of leisure, irritable from the sense of distress. That they should be deluded by impudent assertions and gross sophisms; that, suffering cruel privations, they should give ready credence to promises of relief; that, never having investigated the nature and operation of government, they should expect impossibilities from it, and should reproach it for not performing impossibilities; all this is perfectly natural. No errors which they may commit ought ever to make us forget that it is in all probability owing solely to the accident of our situation that we have not fallen into errors precisely similar. There are few of us who do not know from experience that, even with all our advantages of education, pain and sorrow can make us very querulous and very unreasonable. We ought not, therefore, to be surprised that, as the Scotch proverb says, "it should be ill talking between a full man and a fasting;" that the logic of the rich man who vindicates the rights of property should seem very inconclusive to the poor man who hears his children cry for bread. I bring, I say, no accusation against the working classes. I would withhold from them nothing which it might be for their good to possess. I see with pleasure that, by the provi-

sions of the Reform Bill, the most industrious and respectable of our laborers will be admitted to a share in the government of the state. If I would refuse to the working people that larger share of power which some of them have demanded, I would refuse it, because I am convinced that, by giving it, I should only increase their distress. I admit that the end of government is their happiness. But, that they may be governed for their happiness, they must not be governed according to the doctrines which they have learned from their illiterate, incapable, low-minded flatterers.

But, Sir, the fact that such doctrines have been promulgated among the multitude is a strong argument for a speedy and effectual reform. That government is attacked is a reason for making the foundations of government broader, and deeper, and more solid. That property is attacked is a reason for binding together all proprietors in the firmest union. That the agitation of the question of Reform has enabled worthless demagogues to propagate their notions with some success is a reason for speedily settling the question in the only way in which it can be settled. It is difficult, Sir, to conceive any spectacle more alarming than that which presents itself to us, when we look at the two extreme parties in this country; a narrow oligarchy above; an infuriated multitude below; on the one side the vices engendered by power; on the other side the vices engendered by distress; one party blindly averse to improvement; the other party blindly clamoring for destruction; one party ascribing to political abuses the sanctity of property; the other party crying out against property as a political abuse. Both these parties are alike ignorant of their true interest. God forbid that the state should ever be at the mercy of either, or should ever experience the calamities which must result from a collision between them! I anticipate no such horrible event. For, between those two parties stands a third party, infinitely

more powerful than both the others put together, attacked by both, vilified by both, but destined, I trust, to save both from the fatal effects of their own folly. To that party I have never ceased, through all the vicissitudes of public affairs, to look with confidence and with a good hope. I speak of that great party which zealously and steadily supported the first Reform Bill, and which will, I have no doubt, support the second Reform Bill, with equal steadiness and equal zeal. That party is the middle class of England, with the flower of the aristocracy at its head, and the flower of the working classes bringing up its rear. That great party has taken its immovable stand between the enemies of all order and the enemies of all liberty. It will have Reform: it will not have revolution: it will destroy political abuses: it will not suffer the rights of property to be assailed: it will preserve, in spite of themselves, those who are assailing it, from the right and from the left, with contradictory accusations: it will be a daysman between them: it will lay its hand upon them both: it will not suffer them to tear each other in pieces. While that great party continues unbroken, as it now is unbroken, I shall not relinquish the hope that this great contest may be conducted, by lawful means, to a happy termination. But, of this I am assured, that by means, lawful or unlawful, to a termination, happy or unhappy, this contest must speedily come. All that I know of the history of past times, all the observations that I have been able to make on the present state of the country, have convinced me that the time has arrived when a great concession must be made to the democracy of England; that the question, whether the change be in itself good or bad, has become a question of secondary importance; that good or bad, the thing must be done; that a law as strong as the laws of attraction and motion has decreed it.

I well know that history, when we look at it in small portions, may be so construed as to mean anything, that

it may be interpreted in as many ways as a Delphic oracle. "The French Revolution," says one expositor, "was the effect of concession." "Not so," cries another: "the French Revolution was produced by the obstinacy of an arbitrary government." "If the French nobles," says the first, "had refused to sit with the Third Estate, they would never have been driven from their country." "They would never have been driven from their country," answers the other, "if they had agreed to the reforms proposed by M. Turgot." These controversies can never be brought to any decisive test, or to any satisfactory conclusion. But, as I believe that history, when we look at it in small fragments, proves anything, or nothing, so I believe that it is full of useful and precious instruction when we contemplate it in large portions, when we take in, at one view, the whole lifetime of great societies. I believe that it is possible to obtain some insight into the law which regulates the growth of communities, and some knowledge of the effects which that growth produces. The history of England, in particular, is the history of a government constantly giving way, sometimes peaceably, sometimes after a violent struggle, but constantly giving way before a nation which has been constantly advancing. The forest laws, the laws of villenage, the oppressive power of the Roman Catholic Church, the power, scarcely less oppressive, which, during some time after the Reformation, was exercised by the Protestant Establishment, the prerogatives of the Crown, the censorship of the Press, successively yielded. The abuses of the representative system are now yielding to the same irresistible force. It was impossible for the Stuarts, and it would have been impossible for them if they had possessed all the energy of Richelieu, and all the craft of Mazarin, to govern England as England had been governed by the Tudors. It was impossible for the princes of the House of Hanover to govern England as England had been governed by the Stuarts. And so it

is impossible that England should be any longer governed as it was governed under the four first princes of the House of Hanover. I say impossible. I believe that over the great changes of the moral world we possess as little power as over the great changes of the physical world. We can no more prevent time from changing the distribution of property and of intelligence, we can no more prevent property and intelligence from aspiring to political power, than we can change the courses of the seasons and of the tides. In peace or in tumult, by means of old institutions, where those institutions are flexible, over the ruins of old institutions, where those institutions oppose an unbending resistance, the great march of society proceeds, and must proceed. The feeble efforts of individuals to bear back are lost and swept away in the mighty rush with which the species goes onward. Those who appear to lead the movement are, in fact, only whirled along before it; those who attempt to resist it are beaten down and crushed beneath it.

It is because rulers do not pay sufficient attention to the stages of this great movement, because they under-rate its force, because they are ignorant of its law, that so many violent and fearful revolutions have changed the face of society. We have heard it said a hundred times during these discussions, we have heard it said repeatedly in the course of this very debate, that the people of England are more free than ever they were, that the government is more democratic than ever it was; and this is urged as an argument against Reform. I admit the fact; but I deny the inference. It is a principle never to be forgotten, in discussions like this, that it is not by absolute, but by relative misgovernment that nations are roused to madness. It is not sufficient to look merely at the form of government. We must look also to the state of the public mind. The worst tyrant that ever had his neck wrung in modern Europe might have passed for a paragon of clemency in Persia or Morocco. Our Indian

subjects submit patiently to a monopoly of salt. We tried a stamp duty, a duty so light as to be scarcely perceptible, on the fierce breed of the old Puritans; and we lost an empire. The government of Lewis the Sixteenth was certainly a much better and milder government than that of Lewis the Fourteenth; yet Lewis the Fourteenth was admired, and even loved, by his people. Lewis the Sixteenth died on the scaffold. Why? Because, though the government had made many steps in the career of improvement, it had not advanced so rapidly as the nation. Look at our own history. The liberties of the people were at least as much respected by Charles the First as by Henry the Eighth, by James the Second as by Edward the Sixth. But did this save the crown of James the Second? Did this save the head of Charles the First? Every person who knows the history of our civil dissensions knows that all those arguments which are now employed by the opponents of the Reform Bill might have been employed, and were actually employed, by the unfortunate Stuarts. The reasoning of Charles, and of all his apologists, runs thus: "What new grievance does the nation suffer? What has the King done more than what Henry did? more than what Elizabeth did? Did the people ever enjoy more freedom than at present? Did they ever enjoy so much freedom?" But what would a wise and honest counsellor, if Charles had been so happy as to possess such a counsellor, have replied to arguments like these? He would have said, "Sir, I acknowledge that the people were never more free than under your government. I acknowledge that those who talk of restoring the old Constitution of England use an improper expression. I acknowledge that there has been a constant improvement during those very years during which many persons imagine that there has been a constant deterioration. But, though there has been no change in the government for the worse, there has been a change in the public mind which produces

exactly the same effect which would be produced by a change in the government for the worse. Perhaps this change in the public mind is to be regretted. But no matter; you cannot reverse it. You cannot undo all that eighty eventful years have done. You cannot transform the Englishmen of 1640 into the Englishmen of 1560. It may be that the simple loyalty of our fathers was preferable to that inquiring, censoring, resisting spirit which is now abroad. It may be that the times when men paid their benevolences cheerfully were better times than these, when a gentleman goes before the Exchequer Chamber to resist an assessment of twenty shillings. And so it may be that infancy is a happier time than manhood, and manhood than old age. But God has decreed that old age shall succeed to manhood, and manhood to infancy. Even so have societies their law of growth. As their strength becomes greater, as their experience becomes more extensive, you can no longer confine them within the swaddling bands, or lull them in the cradles, or amuse them with the rattles, or terrify them with the bugbears of their infancy. I do not say that they are better or happier than they were; but this I say, that they are different from what they were, that you cannot again make them what they were, and that you cannot safely treat them as if they continued to be what they were." This was the advice which a wise and honest Minister would have given to Charles the First. These were the principles on which that unhappy prince should have acted. But no. He would govern, I do not say ill, I do not say tyrannically; I say only this; he would govern the men of the seventeenth century as if they had been the men of the sixteenth century; and therefore it was, that all his talents and all his virtues did not save him from unpopularity, from civil war, from a prison, from a bar, from a scaffold. These things are written for our instruction. Another great intellectual revolution has taken place; our lot has been cast on a

time analogous, in many respects, to the time which immediately preceded the meeting of the Long Parliament. There is a change in society. There must be a corresponding change in the government. We are not, we cannot, in the nature of things, be what our fathers were. We are no more like the men of the American war, or the men of the gagging bills, than the men who cried "privilege" round the coach of Charles the First were like the men who changed their religion once a year at the bidding of Henry the Eighth. That there is such a change, I can no more doubt than I can doubt that we have more power looms, more steam engines, more gas-lights, than our ancestors. That there is such a change, the Minister will surely find who shall attempt to fit the yoke of Mr. Pitt to the necks of the Englishmen of the nineteenth century. What, then, can you do to bring back those times when the Constitution of this House was an object of veneration to the people? Even as much as Strafford and Laud could do to bring back the days of the Tudors; as much as Bonner and Gardiner could do to bring back the days of Hildebrand; as much as Villèle and Polignac could do to bring back the days of Lewis the Fourteenth. You may make the change tedious; you may make it violent; you may — God in his mercy forbid! — you may make it bloody; but avert it you cannot. Agitations of the public mind, so deep and so long continued as those which we have witnessed, do not end in nothing. In peace or in convulsion, by the law, or in spite of the law, through the Parliament, or over the Parliament, Reform must be carried. Therefore be content to guide that movement which you cannot stop. Fling wide the gates to that force which else will enter through the breach. Then will it still be, as it has hitherto been, the peculiar glory of our Constitution that, though not exempt from the decay which is wrought by the vicissitudes of fortune, and the lapse of time, in all the proudest works of human power and wisdom, it

yet contains within it the means of self-reparation. Then will England add to her manifold titles of glory this, the noblest and the purest of all; that every blessing which other nations have been forced to seek, and have too often sought in vain, by means of violent and bloody revolutions, she will have attained by a peaceful and a lawful Reform.

ANATOMY BILL

FEBRUARY 27, 1832

On Monday, the twenty-seventh of February, 1832, the House took into consideration the report of the Committee on Mr. Warburton's Anatomy Bill. Mr. Henry Hunt attacked that bill with great asperity. In reply to him the following Speech was made.

SIR, I cannot, even at this late hour of the night, refrain from saying two or three words. Most of the observations of the honorable Member for Preston I pass by, as undeserving of any answer before an audience like this. But on one part of his speech I must make a few remarks. We are, he says, making a law to benefit the rich, at the expense of the poor. Sir, the fact is the direct reverse. This is a bill which tends especially to the benefit of the poor. What are the evils against which we are attempting to make provision? Two especially: that is to say, the practice of Burking, and bad surgery. Now to both these the poor alone are exposed. What man, in our rank of life, runs the smallest risk of being Burked? That a man has property, that he has connections, that he is likely to be missed and sought for, are circumstances which secure him against the Burker. It is curious to observe the difference between murders of this kind and other murders. An ordinary murderer hides the body, and disposes of the property. Bishop and Williams dig holes and bury the property, and expose the body to sale. The more wretched, the more lonely, any human being may be, the more desirable prey is he to these wretches. It is the man, the mere

naked man, that they pursue. Again, as to bad surgery; this is, of all evils, the evil by which the rich suffer least, and the poor most. If we could do all that in the opinion of the Member for Preston ought to be done, if we could prevent disinterment, if we could prevent dissection, if we could destroy the English school of anatomy, if we could force every student of medical science to go to the expense of a foreign education, on whom would the bad consequences fall? On the rich? Not at all. As long as there is in France, in Italy, in Germany, a single surgeon of eminent skill, a single surgeon who is, to use the phrase of the Member for Preston, addicted to dissection, that surgeon will be in attendance whenever an English nobleman is to be cut for the stone. The higher orders in England will always be able to procure the best medical assistance. Who suffers by the bad state of the Russian school of surgery? The Emperor Nicholas? By no means. The whole evil falls on the peasantry. If the education of a surgeon should become very expensive, if the fees of surgeons should consequently rise, if the supply of regular surgeons should diminish, the sufferers would be, not the rich, but the poor in our country villages, who would again be left to mountebanks, and barbers, and old women, and charms, and quack medicines. The honorable gentleman talks of sacrificing the interests of humanity to the interests of science, as if this were a question about the squaring of the circle, or the transit of Venus. This is not a mere question of science: it is not the unprofitable exercise of an ingenious mind: it is a question between health and sickness, between ease and torment, between life and death. Does the honorable gentleman know from what cruel sufferings the improvement of surgical science has rescued our species? I will tell him one story, the first that comes into my head. He may have heard of Leopold, Duke of Austria, the same who imprisoned our Richard Cœur de Lion. Leopold's horse fell under him,

and crushed his leg. The surgeons said that the limb must be amputated; but none of them knew how to amputate it. Leopold, in his agony, laid a hatchet on his thigh, and ordered his servant to strike with a mallet. The leg was cut off, and the Duke died of the gush of blood. Such was the end of that powerful prince. Why, there is not now a bricklayer who falls from a ladder in England, who cannot obtain surgical assistance, infinitely superior to that which the sovereign of Austria could command in the twelfth century. I think this is a bill which tends to the good of the people, and which tends especially to the good of the poor. Therefore I support it. If it is unpopular, I am sorry for it. But I shall cheerfully take my share of its unpopularity. For such, I am convinced, ought to be the conduct of one whose object it is not to flatter the people, but to serve them.

PARLIAMENTARY REFORM

VI

FEBRUARY 28, 1832

On Tuesday, the twenty-eighth of February, 1832, in the Committee on the Bill to amend the representation of the people in England and Wales, the question was put, "That the Tower Hamlets, Middlesex, stand part of Schedule C." The opponents of the Bill mustered their whole strength on this occasion, and were joined by some members who had voted with the Government on the second reading. The question was carried, however, by 316 votes to 236. The following Speech was made in reply to the Marquess of Chandos and Sir Edward Sugden, who, on very different grounds, objected to any increase in the number of metropolitan members.

MR. BERNAL, —

I have spoken so often on the question of Parliamentary Reform, that I am very unwilling to occupy the time of the Committee. But the importance of the amendment proposed by the noble Marquess and the peculiar circumstances in which we are placed to-night make me so anxious that I cannot remain silent.

In this debate, as in every other debate, our first object should be to ascertain on which side the burden of the proof lies. Now, it seems to me quite clear that the burden of the proof lies on those who support the amendment. I am entitled to take it for granted that it is right and wise to give representatives to some wealthy and populous places which have hitherto been unrepresented. To this extent, at least, we all, with scarcely an exception, now profess ourselves Reformers. There

is, indeed, a great party which still objects to the disfranchising even of the smallest borough. But all the most distinguished chiefs of that party have, here and elsewhere, admitted that the elective franchise ought to be given to some great towns which have risen into importance since our representative system took its present form. If this be so, on what ground can it be contended that these metropolitan districts ought not to be represented? Are they inferior in importance to the other places to which we are all prepared to give members? I use the word importance with perfect confidence: for, though in our recent debates there has been some dispute as to the standard by which the importance of towns is to be measured, there is no room for dispute here. Here, take what standard you will, the result will be the same. Take population: take the rental: take the number of ten-pound houses: take the amount of the assessed taxes: take any test in short: take any number of tests, and combine those tests in any of the ingenious ways which men of science have suggested: multiply: divide: subtract: add: try squares or cubes: try square roots or cube roots: you will never be able to find a pretext for excluding these districts from Schedule C. If, then, it be acknowledged that the franchise ought to be given to important places which are at present unrepresented, and if it be acknowledged that these districts are in importance not inferior to any place which is at present unrepresented, you are bound to give us strong reasons for withholding the franchise from these districts.

The honorable and learned gentleman¹ has tried to give such reasons: and, in doing so, he has completely refuted the whole speech of the noble Marquess, with whom he means to divide.² The truth is that the noble Marquess and the honorable and learned gentleman, though they agree in their votes, do not at all agree in their forebodings or in their ulterior intentions. The

¹ Sir E. Sugden.

² The Marquess of Chandos.

honorable and learned gentleman thinks it dangerous to increase the number of metropolitan voters. The noble Lord is perfectly willing to increase the number of metropolitan voters, and objects only to any increase in the number of metropolitan members. "Will you," says the honorable and learned gentleman, "be so rash, so insane, as to create constituent bodies of twenty or thirty thousand electors?" "Yes," says the noble Marquess, "and much more than that. I will create constituent bodies of forty thousand, sixty thousand, a hundred thousand. I will add Marylebone to Westminster. I will add Lambeth to Southwark. I will add Finsbury and the Tower Hamlets to the City." The noble Marquess, it is clear, is not afraid of the excitement which may be produced by the polling of immense multitudes. Of what, then, is he afraid? Simply of eight members: nay, of six members: for he is willing, he tells us, to add two members to the two who already sit for Middlesex, and who may be considered as metropolitan members. Are six members, then, so formidable? I could mention a single peer who now sends more than six members to the House. But, says the noble Marquess, the members for the metropolitan districts will be called to a strict account by their constituents: they will be mere delegates: they will be forced to speak, not their own sense, but the sense of the capital. I will answer for it, Sir, that they will not be called to a stricter account than those gentlemen who are nominated by some great proprietors of boroughs. Is it not notorious that those who represent it as in the highest degree pernicious and degrading that a public man should be called to account by a great city which has entrusted its dearest interests to his care, do nevertheless think that he is bound by the most sacred ties of honor to vote according to the wishes of his patron or to apply for the Chiltern Hundreds? It is a bad thing, I fully admit, that a Member of Parliament should be a mere delegate. But it is not worse

that he should be the delegate of a hundred thousand people than of one too powerful individual. What a perverse, what an inconsistent spirit is this; too proud to bend to the wishes of a nation, yet ready to lick the dust at the feet of a patron! And how is it proved that a member for Lambeth or Finsbury will be under a more servile awe of his constituents than a member for Leicester, or a member for Leicestershire, or a member for the University of Oxford? Is it not perfectly notorious that many members voted, year after year, against Catholic Emancipation, simply because they knew that, if they voted otherwise, they would lose their seats? No doubt this is an evil. But it is an evil which will exist in some form or other as long as human nature is the same, as long as there are men so low-minded as to prefer the gratification of a vulgar ambition to the approbation of their conscience and the welfare of their country. Construct your representative system as you will, these men will always be sycophants. If you give power to Marylebone, they will fawn on the householders of Marylebone. If you leave power to Gatton, they will fawn on the proprietor of Gatton. I can see no reason for believing that their baseness will be more mischievous in the former case than in the latter.

But, it is said, the power of this huge capital is even now dangerously great; and will you increase that power? Now, Sir, I am far from denying that the power of London is, in some sense, dangerously great; but I altogether deny that the danger will be increased by this bill. It has always been found that a hundred thousand people congregated close to the seat of government exercise a greater influence on public affairs than five hundred thousand dispersed over a remote province. But this influence is not proportioned to the number of representatives chosen by the capital. This influence is felt at present, though the greater part of the capital is unrepresented. This influence is felt in countries where there is

no representative system at all. Indeed, this influence is nowhere so great as under despotic governments. I need not remind the Committee that the Cæsars, while ruling by the sword, while putting to death without a trial every senator, every magistrate, who incurred their displeasure, yet found it necessary to keep the populace of the imperial city in good humor by distributions of corn and shows of wild beasts. Every country, from Britain to Egypt, was squeezed for the means of filling the granaries and adorning the theatres of Rome. On more than one occasion, long after the Cortes of Castile had become a mere name, the rabble of Madrid assembled before the royal palace, forced their King, their absolute King, to appear in the balcony, and exacted from him a promise that he would dismiss an obnoxious minister. It was in this way that Charles the Second was forced to part with Oropesa, and that Charles the Third was forced to part with Squillaci. If there is any country in the world where pure despotism exists, that country is Turkey; and yet there is no country in the world where the inhabitants of the capital are so much dreaded by the government. The Sultan, who stands in awe of nothing else, stands in awe of the turbulent populace, which may, at any moment, besiege him in his Seraglio. As soon as Constantinople is up, everything is conceded. The unpopular edict is recalled. The unpopular vizier is beheaded. This sort of power has nothing to do with representation. It depends on physical force and on vicinity. You do not propose to take this sort of power away from London. Indeed, you cannot take it away. Nothing can take it away but an earthquake more terrible than that of Lisbon, or a fire more destructive than that of 1666. Law can do nothing against this description of power; for it is a power which is formidable only when law has ceased to exist. While the reign of law continues, eight votes in a House of six hundred and fifty-eight Members will hardly do much harm. When

the reign of law is at an end, and the reign of violence commences, the importance of a million and a half of people, all collected within a walk of the Palace, of the Parliament House, of the Bank, of the Courts of Justice, will not be measured by eight or by eighty votes. See, then, what you are doing. That power which is not dangerous you refuse to London. That power which is dangerous you leave undiminished; nay, you make it more dangerous still. For by refusing to let eight or nine hundred thousand people express their opinions and wishes in a legal and constitutional way, you increase the risk of disaffection and of tumult. It is not necessary to have recourse to the speeches or writings of democrats to show that a represented district is far more likely to be turbulent than an unrepresented district. Mr. Burke, surely not a rash innovator, not a flatterer of the multitude, described long ago in this place with admirable eloquence the effect produced by the law which gave representative institutions to the rebellious mountaineers of Wales. That law, he said, had been to an agitated nation what the twin stars celebrated by Horace were to a stormy sea: the wind had fallen; the clouds had dispersed; the threatening waves had sunk to rest. I have mentioned the commotions of Madrid and Constantinople. Why is it that the population of unrepresented London, though physically far more powerful than the population of Madrid or of Constantinople, has been far more peaceable? Why have we never seen the inhabitants of the metropolis besiege St. James's, or force their way riotously into this House? Why, but because they have other means of giving vent to their feelings, because they enjoy the liberty of unlicensed printing, and the liberty of holding public meetings. Just as the people of unrepresented London are more orderly than the people of Constantinople and Madrid, so will the people of represented London be more orderly than the people of unrepresented London.

Surely, Sir, nothing can be more absurd than to withhold legal power from a portion of the community because that portion of the community possesses natural power. Yet that is precisely what the noble Marquess would have us do. In all ages a chief cause of the intestine disorders of states has been that the natural distribution of power and the legal distribution of power have not corresponded with each other. This is no newly discovered truth. It was well known to Aristotle more than two thousand years ago. It is illustrated by every part of ancient and of modern history, and eminently by the history of England during the last few months. Our country has been in serious danger; and why? Because a representative system, framed to suit the England of the thirteenth century, did not suit the England of the nineteenth century; because an old wall, the last relic of a departed city, retained the privileges of that city, while great towns, celebrated all over the world for wealth and intelligence, had no more share in the government than when they were still hamlets. The object of this bill is to correct those monstrous disproportions, and to bring the legal order of society into something like harmony with the natural order. What, then, can be more inconsistent with the fundamental principle of the bill than to exclude any district from a share in the representation, for no reason but because that district is, and must always be, one of great importance. This bill was meant to reconcile and unite. Will you frame it in such a manner that it must inevitably produce irritation and discord? This bill was meant to be final in the only rational sense of the word final. Will you frame it in such a way that it must inevitably be short-lived? Is it to be the first business of the first reformed House of Commons to pass a new Reform Bill? Gentlemen opposite have often predicted that the settlement which we are making will not be permanent; and they are now taking the surest way to accomplish their own prediction. I agree

with them in disliking change merely as change. I would bear with many things which are indefensible in theory, nay, with some things which are grievous in practice, rather than venture on a change in the composition of Parliament. But when such a change is necessary, — and that such a change is now necessary is admitted by men of all parties, — then I hold that it ought to be full and effectual. A great crisis may be followed by the complete restoration of health. But no constitution will bear perpetual tampering. If the noble Marquess's amendment should unhappily be carried, it is morally certain that the immense population of Finsbury, of Marylebone, of Lambeth, of the Tower Hamlets, will, importunately and clamorously, demand redress from the reformed Parliament. That Parliament, you tell us, will be much more democratically inclined than the Parliaments of past times. If so, how can you expect that it will resist the urgent demands of a million of people close to its door? These eight seats will be given. More than eight seats will be given. The whole question of Reform will be opened again; and the blame will rest on those who will, by mutilating this great law in an essential part, cause hundreds of thousands who now regard it as a boon to regard it as an outrage.

Sir, our word is pledged. Let us remember the solemn promise which we gave to the nation last October at a perilous conjuncture. That promise was that we would stand firmly by the principles and leading provisions of the Reform Bill. Our sincerity is now brought to the test. One of the leading provisions of the bill is in danger. The question is, not merely whether these districts shall be represented, but whether we will keep the faith which we plighted to our countrymen. Let us be firm. Let us make no concession to those who, having in vain tried to throw the bill out, are now trying to fritter it away. An attempt has been made to induce the Irish members to vote against the government. It

has been hinted that, perhaps, some of the seats taken from the metropolis may be given to Ireland. Our Irish friends will, I doubt not, remember that the very persons who offer this bribe exerted themselves not long ago to raise a cry against the proposition to give additional members to Belfast, Limerick, Waterford, and Galway. The truth is that our enemies wish only to divide us, and care not by what means. One day they try to excite jealousy among the English by asserting that the plan of the government is too favorable to Ireland. Next day they try to bribe the Irish to desert us, by promising to give something to Ireland at the expense of England. Let us disappoint these cunning men. Let us, from whatever part of the United Kingdom we come, be true to each other and to the good cause. We have the confidence of our country. We have justly earned it. For God's sake let us not throw it away. Other occasions may arise on which honest Reformers may fairly take different sides. But to-night be that is not with us is against us.

REPEAL OF THE UNION WITH IRELAND

FEBRUARY 6, 1833

On the twenty-ninth of January, 1833, the first Parliament elected under the Reform Act of 1832 met at Westminster. On the fifth of February, King William the Fourth made a speech from the throne, in which he expressed his hope that the Houses would entrust him with such powers as might be necessary for maintaining order in Ireland and for preserving and strengthening the union between that country and Great Britain. An Address, assuring His Majesty of the concurrence and support of the Commons, was moved by Lord Ormelie and seconded by Mr. John Marshall. Mr. O'Connell opposed the Address, and moved, as an amendment, that the House should resolve itself into a Committee. After a discussion of four nights the amendment was rejected by 428 votes to 40. On the second night of the debate the following Speech was made.

LAST night, Sir, I thought that it would not be necessary for me to take any part in the present debate: but the appeal which has this evening been made to me by my honorable friend the Member for Lincoln¹ has forced me to rise. I will, however, postpone the few words which I have to say in defence of my own consistency, till I have expressed my opinion on the much more important subject which is before the House.

My honorable friend tells us that we are now called upon to make a choice between two modes of pacifying Ireland; that the government recommends coercion; that the honorable and learned Member for Dublin² recom-

¹ Mr. Edward Lytton Bulwer.

² Mr. O'Connell.

mends redress; and that it is our duty to try the effect of redress before we have recourse to coercion. The antithesis is framed with all the ingenuity which is characteristic of my honorable friend's style; but I cannot help thinking that, on this occasion, his ingenuity has imposed on himself, and that he has not sufficiently considered the meaning of the pointed phrase which he used with so much effect. Redress is no doubt a very well-sounding word. What can be more reasonable than to ask for redress? What more unjust than to refuse redress? But my honorable friend will perceive, on reflection, that, though he and the honorable and learned Member for Dublin agree in pronouncing the word redress, they agree in nothing else. They utter the same sound; but they attach to it two diametrically opposite meanings. The honorable and learned Member for Dublin means by redress simply the Repeal of the Union. Now, to the Repeal of the Union my honorable friend the Member for Lincoln is decidedly adverse. When we get at his real meaning, we find that he is just as unwilling as we are to give the redress which the honorable and learned Member for Dublin demands. Only a small minority of the House will, I hope and believe, vote with that honorable and learned member; but the minority which thinks with him will be very much smaller.

We have, indeed, been told by some gentlemen, who are not themselves repealers, that the question of Repeal deserves a much more serious consideration than it has yet received. Repeal, they say, is an object on which millions have, however unwisely, set their hearts: and men who speak in the name of millions are not to be coughed down or sneered down. That which a suffering nation regards, rightly or wrongly, as the sole cure for all its distempers, ought not to be treated with levity, but to be the subject of full and solemn debate. All this, Sir, is most true: but I am surprised that this lecture should have been read to us who sit on your right.

It would, I apprehend, have been with more propriety addressed to a different quarter. Whose fault is it that we have not yet had, and that there is no prospect of our having, this full and solemn debate? Is it the fault of His Majesty's Ministers? Have not they framed the Speech which their Royal Master delivered from the throne, in such a manner as to invite the grave and searching discussion of the question of Repeal? And has not the invitation been declined? Is it not fresh in our recollection that the honorable and learned Member for Dublin spoke two hours, perhaps three hours, — nobody keeps accurate account of time while he speaks, — but two or three hours without venturing to join issue with us on this subject? In truth, he suffered judgment to go against him by default. We, on this side of the House, did our best to provoke him to the conflict. We called on him to maintain here those doctrines which he had proclaimed elsewhere with so much vehemence, and, I am sorry to be forced to add, with a scurrility unworthy of his parts and eloquence. Never was a challenge more fairly given: but it was not accepted. The great champion of Repeal would not lift our glove. He shrank back; he skulked away; not, assuredly, from distrust of his powers, which have never been more vigorously exerted than in this debate, but evidently from distrust of his cause. I have seldom heard so able a speech as his: I certainly never heard a speech so evasive. From the beginning to the end he studiously avoided saying a single word tending to raise a discussion about that Repeal which, in other places, he constantly affirms to be the sole panacea for all the evils by which his country is afflicted. Nor is this all. Yesterday night he placed on our order book not less than fourteen notices; and of those notices not a single one had any reference to the Union between Great Britain and Ireland. It is therefore evident to me, not only that the honorable and learned gentleman is not now prepared to debate the

question in this House, but that he has no intention of debating it in this House at all. He keeps it, and prudently keeps it, for audiences of a very different kind. I am therefore, I repeat, surprised to hear the government accused of avoiding the discussion of this subject. Why should we avoid a battle in which the bold and skilful captain of the enemy evidently knows that we must be victorious?

One gentleman, though not a repealer, has begged us not to declare ourselves decidedly adverse to repeal till we have studied the petitions which are coming in from Ireland. Really, Sir, this is not a subject on which any public man ought to be now making up his mind. My mind is made up. My reasons are such as, I am certain, no petition from Ireland will confute. Those reasons have long been ready to be produced; and, since we are accused of flinching, I will at once produce them. I am prepared to show that the Repeal of the Union would not remove the political and social evils which afflict Ireland, nay, that it would aggravate almost every one of those evils.

I understand, though I do not approve, the proceedings of poor Wolfe Tone and his confederates. They wished to make a complete separation between Great Britain and Ireland. They wished to establish a Hibernian republic. Their plan was a very bad one; but, to do them justice, it was perfectly consistent; and an ingenious man might defend it by some plausible arguments. But that is not the plan of the honorable and learned Member for Dublin. He assures us that he wishes the connection between the islands to be perpetual. He is for a complete separation between the two Parliaments; but he is for indissoluble union between the two Crowns. Nor does the honorable and learned gentleman mean, by an union between the Crowns, such an union as exists between the Crown of this kingdom and the Crown of Hanover. For I need not say that, though the same

person is king of Great Britain and of Hanover, there is no more political connection between Great Britain and Hanover than between Great Britain and Hesse or between Great Britain and Bavaria. Hanover may be at peace with a state with which Great Britain is at war. Nay, Hanover may, as a member of the Germanic body, send a contingent of troops to cross bayonets with the King's English footguards. This is not the relation in which the honorable and learned gentleman proposes that Great Britain and Ireland should stand to each other. His plan is, that each of the two countries shall have an independent legislature, but that both shall have the same executive government. Now, is it possible that a mind so acute and so well informed as his should not at once perceive that this plan involves an absurdity, a downright contradiction. Two independent legislatures! One executive government! How can the thing be? No doubt, if the legislative power were quite distinct from the executive power, England and Ireland might as easily have two legislatures as two Chancellors and two Courts of King's Bench. But though, in books written by theorists, the executive power and the legislative power may be treated as things quite distinct, every man acquainted with the real working of our Constitution knows that the two powers are most closely connected, nay, intermingled with each other. During several generations, the whole administration of affairs has been conducted in conformity with the sense of Parliament. About every exercise of the prerogative of the Crown it is the privilege of Parliament to offer advice; and that advice no wise king will ever slight. It is the prerogative of the sovereign to choose his own servants; but it is impossible for him to maintain them in office unless Parliament will support them. It is the prerogative of the sovereign to treat with other princes; but it is impossible for him to persist in any scheme of foreign policy which is disagreeable to Parliament. It is the preroga-

tive of the sovereign to make war; but he cannot raise a battalion or man a frigate without the help of Parliament. The repealers may therefore be refuted out of their own mouths. They say that Great Britain and Ireland ought to have one executive power. But the legislature has a most important share of the executive power. Therefore, by the confession of the repealers themselves, Great Britain and Ireland ought to have one legislature.

Consider for one moment in what a situation the executive government will be placed if you have two independent legislatures, and if those legislatures should differ, as all bodies which are independent of each other will sometimes differ. Suppose the case of a commercial treaty which is unpopular in England and popular in Ireland. The Irish Parliament expresses its approbation of the terms, and passes a vote of thanks to the negotiator. We at Westminster censure the terms and impeach the negotiator. Or are we to have two foreign offices, one in Downing Street and one in Dublin Castle? Is His Majesty to send to every court in Christendom two diplomatic agents, to thwart each other and to be spies upon each other? It is inconceivable but that, in a very few years, disputes such as can be terminated only by arms must arise between communities so absurdly united and so absurdly disunited. All history confirms this reasoning. Superficial observers have fancied that they had found cases on the other side. But as soon as you examine those cases you will see either that they bear no analogy to the case with which we have to deal, or that they corroborate my argument. The case of Ireland herself has been cited. Ireland, it has been said, had an independent legislature from 1782 to 1800: during eighteen years there were two coequal Parliaments under one Crown; and yet there was no collision. Sir, the reason that there was not perpetual collision was, as we all know, that the Irish Parliament, though nominally

independent, was generally kept in real dependence by means of the foulest corruption that ever existed in any assembly. But it is not true that there was no collision. Before the Irish legislature had been six years independent, a collision did take place, a collision such as might well have produced a civil war. In the year 1788, George the Third was incapacitated by illness from discharging his regal functions. According to the Constitution, the duty of making provision for the discharge of those functions devolved on the Parliaments of Great Britain and Ireland. Between the government of Great Britain and the government of Ireland there was, during the interregnum, no connection whatever. The sovereign who was the common head of both governments had virtually ceased to exist: and the two legislatures were no more to each other than this House and the Chamber of Deputies at Paris. What followed? The Parliament of Great Britain resolved to offer the regency to the Prince of Wales under many important restrictions. The Parliament of Ireland made him an offer of the Regency without any restrictions whatever. By the same right by which the Irish Lords and Commons made that offer, they might, if Mr. Pitt's doctrine be the constitutional doctrine, as I believe it to be, have made the Duke of York or the Duke of Leinster Regent. To this Regent they might have given all the prerogatives of the King. Suppose — no extravagant supposition — that George the Third had not recovered, that the rest of his long life had been passed in seclusion, Great Britain and Ireland would then have been, during thirty-two years, as completely separated as Great Britain and Spain. There would have been nothing in common between the governments, neither executive power nor legislative power. It is plain, therefore, that a total separation between the two islands might, in the natural course of things, and without the smallest violation of the Constitution on either side, be the effect of the arrangement

recommended by the honorable and learned gentleman, who solemnly declares that he should consider such a separation as the greatest of calamities.

No doubt, Sir, in several Continental kingdoms there have been two legislatures, and indeed more than two legislatures, under the same Crown. But the explanation is simple. Those legislatures were of no real weight in the government. Under Lewis the Fourteenth Brittany had its states; Burgundy had its states; and yet there was no collision between the states of Brittany and the states of Burgundy. But why? Because neither the states of Brittany nor the states of Burgundy imposed any real restraint on the arbitrary power of the monarch. So, in the dominions of the House of Hapsburg, there is the semblance of a legislature in Hungary and the semblance of a legislature in the Tyrol: but all the real power is with the Emperor. I do not say that you cannot have one executive power and two mock Parliaments, two Parliaments which merely transact parish business, two Parliaments which exercise no more influence on great affairs of state than the vestry of St. Pancras or the vestry of Marylebone. What I do say, and what common sense teaches, and what all history teaches, is this, that you cannot have one executive power and two real Parliaments, two Parliaments possessing such powers as the Parliament of this country has possessed ever since the Revolution, two Parliaments to the deliberate sense of which the sovereign must conform. If they differ, how can he conform to the sense of both? The thing is as plain as a proposition in Euclid.

It is impossible for me to believe that considerations so obvious and so important should not have occurred to the honorable and learned Member for Dublin. Doubtless they have occurred to him; and therefore it is that he shrinks from arguing the question here. Nay, even when he harangues more credulous assemblies on this subject, he carefully avoids precise explanations; and

the hints which sometimes escape him are not easily to be reconciled with each other. On one occasion, if the newspapers are to be trusted, he declared that his object was to establish a federal union between Great Britain and Ireland. A local Parliament, it seems, is to sit at Dublin, and to send deputies to an imperial Parliament which is to sit at Westminster. The honorable and learned gentleman thinks, I suppose, that in this way he evades the difficulties which I have pointed out. But he deceives himself. If, indeed, his local legislature is to be subject to his imperial legislature, if his local legislature is to be merely what the Assembly of Antigua or Barbadoes is, or what the Irish Parliament was before 1782, the danger of collision is no doubt removed: but what, on the honorable and learned gentleman's own principles, would Ireland gain by such an arrangement? If, on the other hand, his local legislature is to be for certain purposes independent, you have again the risk of collision. Suppose that a difference of opinion should arise between the Imperial Parliament and the Irish Parliament as to the limits of their powers, who is to decide between them? A dispute between the House of Commons and the House of Lords is bad enough. Yet in that case the sovereign can, by a high exercise of his prerogative, produce harmony. He can send us back to our constituents; and, if that expedient fails, he can create more lords. When, in 1705, the dispute between the Houses about the Aylesbury men ran high, Queen Anne restored concord by dismissing the Parliament. Seven years later she put an end to another conflict between the Houses by making twelve peers in one day. But who is to arbitrate between two representative bodies chosen by different constituent bodies? Look at what is now passing in America. Of all federal Constitutions that of the United States is the best. It was framed by a convention which contained many wise and experienced men, and over which Washington presided. Yet there

is a debatable ground on the frontier which separates the functions of Congress from those of the state legislatures. A dispute as to the exact boundary has lately arisen. Neither party seems disposed to yield: and, if both persist, there can be no umpire but the sword.

For my part, Sir, I have no hesitation in saying that I should very greatly prefer the total separation which the honorable and learned gentleman professes to consider as a calamity, to the partial separation which he has taught his countrymen to regard as a blessing. If, on a fair trial, it be found that Great Britain and Ireland cannot exist happily together as parts of one empire, in God's name let them separate. I wish to see them joined as the limbs of a well-formed body are joined. In such a body the members assist each other: they are nourished by the same food: if one member suffer, all suffer with it: if one member rejoice, all rejoice with it. But I do not wish to see the countries united, like those wretched twins from Siam who were exhibited here a little while ago, by an unnatural ligament which made each the constant plague of the other, always in each other's way, more helpless than others because they had twice as many hands, slower than others because they had twice as many legs, sympathizing with each other only in evil, not feeling each other's pleasures, not supported by each other's aliment, but tormented by each other's infirmities, and certain to perish miserably by each other's dissolution.

Ireland has undoubtedly just causes of complaint. We heard those causes recapitulated last night by the honorable and learned Member, who tells us that he represents not Dublin alone, but Ireland, and that he stands between his country and civil war. I do not deny that most of the grievances which he recounted exist, that they are serious, and that they ought to be remedied as far as it is in the power of legislation to remedy them. What I do deny is that they were caused by the Union,

and that the Repeal of the Union would remove them. I listened attentively while the honorable and learned gentleman went through that long and melancholy list: and I am confident that he did not mention a single evil which was not a subject of bitter complaint while Ireland had a domestic Parliament. Is it fair, is it reasonable in the honorable gentleman to impute to the Union evils which, as he knows better than any other man in this house, existed long before the Union? *Post hoc: ergo, propter hoc* is not always sound reasoning. But *ante hoc: ergo, non propter hoc* is unanswerable. The old rustic who told Sir Thomas More that Tenterden steeple was the cause of Goodwin Sands reasoned much better than the honorable and learned gentleman. For it was not till after Tenterden steeple was built that the frightful wrecks on the Goodwin Sands were heard of. But the honorable and learned gentleman would make Goodwin Sands the cause of Tenterden steeple. Some of the Irish grievances which he ascribes to the Union are not only older than the Union, but are not peculiarly Irish. They are common to England, Scotland, and Ireland; and it was in order to get rid of them that we, for the common benefit of England, Scotland, and Ireland, passed the Reform Bill last year. Other grievances which the honorable and learned gentleman mentioned are doubtless local: but is there to be a local legislature wherever there is a local grievance? Wales has had local grievances. We all remember the complaints which were made a few years ago about the Welsh judicial system; but did anybody therefore propose that Wales should have a distinct Parliament? Cornwall has some local grievances; but does anybody propose that Cornwall shall have its own House of Lords and its own House of Commons? Leeds has local grievances. The majority of my constituents distrust and dislike the municipal government to which they are subject; they therefore call loudly on us for corporation reform: but they do not ask us for a separate

legislature. Of this I am quite sure, that every argument which has been urged for the purpose of showing that Great Britain and Ireland ought to have two distinct Parliaments may be urged with far greater force for the purpose of showing that the north of Ireland and the south of Ireland ought to have two distinct Parliaments. The House of Commons of the United Kingdom, it has been said, is chiefly elected by Protestants, and therefore cannot be trusted to legislate for Catholic Ireland. If this be so, how can an Irish House of Commons, chiefly elected by Catholics, be trusted to legislate for Protestant Ulster? It is perfectly notorious that theological antipathies are stronger in Ireland than here. I appeal to the honorable and learned gentleman himself. He has often declared that it is impossible for a Roman Catholic, whether prosecutor or culprit, to obtain justice from a jury of Orangemen. It is indeed certain that, in blood, religion, language, habits, character, the population of some of the northern counties of Ireland has much more in common with the population of England and Scotland than with the population of Munster and Connaught. I defy the honorable and learned Member, therefore, to find a reason for having a Parliament at Dublin which will not be just as good a reason for having another Parliament at Londonderry.

Sir, in showing, as I think I have shown, the absurdity of this cry for Repeal, I have in a great measure vindicated myself from the charge of inconsistency which has been brought against me by my honorable friend the Member for Lincoln. It is very easy to bring a volume of Hansard to the House, to read a few sentences of a speech made in very different circumstances, and to say, "Last year you were for pacifying England by concession: this year you are for pacifying Ireland by coercion. How can you vindicate your consistency?" Surely my honorable friend cannot but know that nothing is easier than to write a theme for severity, for clemency, for order,

for liberty, for a contemplative life, for an active life, and so on. It was a common exercise in the ancient schools of rhetoric to take an abstract question, and to harangue first on one side and then on the other. The question, Ought popular discontents to be quieted by concession or coercion? would have been a very good subject for oratory of this kind. There is no lack of commonplaces on either side. But when we come to the real business of life, the value of these commonplaces depends entirely on the particular circumstances of the case which we are discussing. Nothing is easier than to write a treatise proving that it is lawful to resist extreme tyranny. Nothing is easier than to write a treatise setting forth the wickedness of wantonly bringing on a great society the miseries inseparable from revolution, the bloodshed, the spoliation, the anarchy. Both treatises may contain much that is true; but neither will enable us to decide whether a particular insurrection is or is not justifiable without a close examination of the facts. There is surely no inconsistency in speaking with respect of the memory of Lord Russell and with horror of the crime of Thistlewood; and, in my opinion, the conduct of Russell and the conduct of Thistlewood did not differ more widely than the cry for Parliamentary Reform and the cry for the Repeal of the Union. The Reform Bill I believe to be a blessing to the nation. Repeal I know to be a mere delusion. I know it to be impracticable: and I know that, if it were practicable, it would be pernicious to every part of the empire, and utterly ruinous to Ireland. Is it not, then, absurd to say that, because I wished last year to quiet the English people by giving them that which was beneficial to them, I am therefore bound in consistency to quiet the Irish people this year by giving them that which will be fatal to them? I utterly deny, too, that, in consenting to arm the government with extraordinary powers for the purpose of repressing disturbances in Ireland, I am guilty of the

smallest inconsistency. On what occasion did I ever refuse to support any government in repressing disturbances? It is perfectly true that, in the debates on the Reform Bill, I imputed the tumults and outrages of 1830 to misrule. But did I ever say that those tumults and outrages ought to be tolerated? I did attribute the Kentish riots, the Hampshire riots, the burning of corn stacks, the destruction of threshing machines, to the obstinacy with which the Ministers of the Crown had refused to listen to the demands of the people. But did I ever say that the rioters ought not to be imprisoned, that the incendiaries ought not to be hanged? I did ascribe the disorders of Nottingham and the fearful sacking of Bristol to the unwise rejection of the Reform Bill by the Lords. But did I ever say that such excesses as were committed at Nottingham and Bristol ought not to be put down, if necessary, by the sword?

I would act towards Ireland on the same principles on which I acted towards England. In Ireland, as in England, I would remove every just cause of complaint; and in Ireland, as in England, I would support the government in preserving the public peace. What is there inconsistent in this? My honorable friend seems to think that no person who believes that disturbances have been caused by maladministration can consistently lend his help to put down those disturbances. If that be so, the honorable and learned Member for Dublin is quite as inconsistent as I am; indeed, much more so; for he thinks very much worse of the government than I do; and yet he declares himself willing to assist the government in quelling the tumults which, as he assures us, its own misconduct is likely to produce. He told us yesterday that our harsh policy might perhaps goad the unthinking populace of Ireland into insurrection; and he added that, if there should be an insurrection, he should, while execrating us as the authors of all the mischief, be found in our ranks, and should be ready to support us in

everything that might be necessary for the restoration of order. As to this part of the subject, there is no difference in principle between the honorable and learned gentleman and myself. In his opinion, it is probable that a time may soon come when vigorous coercion may be necessary, and when it may be the duty of every friend of Ireland to coöperate in the work of coercion. In my opinion, that time has already come. The grievances of Ireland are doubtless great, so great that I never would have connected myself with a government which I did not believe to be intent on redressing those grievances. But am I, because the grievances of Ireland are great, and ought to be redressed, to abstain from redressing the worst grievance of all? Am I to look on quietly while the laws are insulted by a furious rabble, while houses are plundered and burned, while my peaceable fellow subjects are butchered? The distribution of church property, you tell us, is unjust. Perhaps I agree with you. But what then? To what purpose is it to talk about the distribution of church property, while no property is secure? Then you try to deter us from putting down robbery, arson, and murder, by telling us that if we resort to coercion we shall raise a civil war. We are past that fear. Recollect that, in one county alone, there have been within a few weeks sixty murders or assaults with intent to murder, and six hundred burglaries. Since we parted last summer, the slaughter in Ireland has exceeded the slaughter of a pitched battle: the destruction of property has been as great as would have been caused by the storming of three or four towns. Civil war, indeed! I would rather live in the midst of any civil war that we have had in England during the last two hundred years than in some parts of Ireland at the present moment. Rather, much rather, would I have lived on the line of march of the Pretender's army in 1745 than in Tipperary now. It is idle to threaten us with civil war; for we have it already; and it is

because we are resolved to put an end to it that we are called base, and brutal, and bloody. Such are the epithets which the honorable and learned Member for Dublin thinks it becoming to pour forth against the party to which he owes every political privilege that he enjoys. He need not fear that any member of that party will be provoked into a conflict of scurrility. Use makes even sensitive minds callous to invective; and, copious as his vocabulary is, he will not easily find in it any foul name which has not been many times applied to those who sit around me, on account of the zeal and steadiness with which they supported the emancipation of the Roman Catholics. His reproaches are not more stinging than the reproaches which, in times not very remote, we endured unflinchingly in his cause. I can assure him that men who faced the cry of No Popery are not likely to be scared by the cry of Repeal. The time will come when history will do justice to the Whigs of England, and will faithfully relate how much they did and suffered for Ireland; how, for the sake of Ireland, they quitted office in 1807; how, for the sake of Ireland, they remained out of office more than twenty years, braving the frowns of the court, braving the hisses of the multitude, renouncing power, and patronage, and salaries, and peerages, and garters, and yet not obtaining in return even a little fleeting popularity. I see on the benches near me men who might, by uttering one word against Catholic Emancipation, nay, by merely abstaining from uttering a word in favor of Catholic Emancipation, have been returned to this house without difficulty or expense, and who, rather than wrong their Irish fellow subjects, were content to relinquish all the objects of their honorable ambition, and to retire into private life with conscience and fame untarnished. As to one eminent person, who seems to be regarded with especial malevolence by those who ought never to mention his name without reverence and gratitude, I will say only this: that the loudest clamor

which the honorable and learned gentleman can excite against Lord Grey will be trifling when compared with the clamor which Lord Grey withstood in order to place the honorable and learned gentleman where he now sits. Though a young member of the Whig party, I will venture to speak in the name of the whole body. I tell the honorable and learned gentleman, that the same spirit which sustained us in a just contest for him will sustain us in an equally just contest against him. Calumny, abuse, royal displeasure, popular fury, exclusion from office, exclusion from Parliament, we were ready to endure them all, rather than that he should be less than a British subject. We never will suffer him to be more.

I stand here, Sir, for the first time, as the representative of a new constituent body, one of the largest, most prosperous, and most enlightened towns in the kingdom. The electors of Leeds, believing that at this time the service of the people is not incompatible with the service of the Crown, have sent me to this house charged, in the language of His Majesty's writ, to do and consent, in their name and in their behalf, to such things as shall be proposed in the great council of the nation. In the name, then, and on the behalf of my constituents, I give my full assent to that part of the Address wherein the House declares its resolution to maintain inviolate, by the help of God, the connection between Great Britain and Ireland, and to entrust to the sovereign such powers as shall be necessary to secure property, to restore order, and to preserve the integrity of the empire.

JEWISH DISABILITIES

APRIL 17, 1833

On the seventeenth of April, 1833, the House of Commons resolved itself into a Committee to consider of the civil disabilities of the Jews. Mr. Warburton took the chair. Mr. Robert Grant moved the following resolution : —

“That it is the opinion of this Committee that it is expedient to remove all civil disabilities at present existing with respect to His Majesty’s subjects professing the Jewish religion, with the like exceptions as are provided with respect to His Majesty’s subjects professing the Roman Catholic religion.”

The resolution passed without a division, after a warm debate, in the course of which the following Speech was made.

MR. WARBURTON, —

I recollect, and my honorable friend the Member for the University of Oxford will recollect, that, when this subject was discussed three years ago, it was remarked, by one whom we both loved and whom we both regret, that the strength of the case of the Jews was a serious inconvenience to their advocate, for that it was hardly possible to make a speech for them without wearying the audience by repeating truths which were universally admitted. If Sir James Mackintosh felt this difficulty when the question was first brought forward in this House, I may well despair of being able now to offer any arguments which have a pretence to novelty.

My honorable friend, the Member for the University of Oxford, began his speech by declaring that he had no

intention of calling in question the principles of religious liberty. He utterly disclaims persecution, that is to say, persecution as defined by himself. It would, in his opinion, be persecution to hang a Jew, or to flog him, or to draw his teeth, or to imprison him, or to fine him; for every man who conducts himself peaceably has a right to his life and his limbs, to his personal liberty and his property. But it is not persecution, says my honorable friend, to exclude any individual or any class from office; for nobody has a right to office: in every country official appointments must be subject to such regulations as the supreme authority may choose to make; nor can any such regulations be reasonably complained of by any member of the society as unjust. He who obtains an office obtains it, not as matter of right, but as matter of favor. He who does not obtain an office is not wronged; he is only in that situation in which the vast majority of every community must necessarily be. There are in the United Kingdom five and twenty million Christians without places; and, if they do not complain, why should five and twenty thousand Jews complain of being in the same case? In this way my honorable friend has convinced himself that, as it would be most absurd in him and me to say that we are wronged because we are not Secretaries of State, so it is most absurd in the Jews to say that they are wronged because they are, as a people, excluded from public employment.

Now, surely my honorable friend cannot have considered to what conclusions his reasoning leads. Those conclusions are so monstrous that he would, I am certain, shrink from them. Does he really mean that it would not be wrong in the legislature to enact that no man should be a judge unless he weighed twelve stone, or that no man should sit in Parliament unless he were six feet high? We are about to bring in a bill for the government of India. Suppose that we were to insert in that bill a clause providing that no graduate of the University

of Oxford should be Governor General or Governor of any Presidency, would not my honorable friend cry out against such a clause as most unjust to the learned body which he represents? And would he think himself sufficiently answered by being told, in his own words, that the appointment to office is a mere matter of favor, and that to exclude an individual or a class from office is no injury? Surely, on consideration, he must admit that official appointments ought not to be subject to regulations purely arbitrary, to regulations for which no reason can be given but mere caprice, and that those who would exclude any class from public employment are bound to show some special reason for the exclusion.

My honorable friend has appealed to us as Christians. Let me, then, ask him how he understands that great commandment which comprises the law and the prophets. Can we be said to do unto others as we would that they should do unto us if we wantonly inflict on them even the smallest pain? As Christians, surely we are bound to consider first, whether, by excluding the Jews from all public trust, we give them pain; and, secondly, whether it be necessary to give them that pain in order to avert some greater evil. That by excluding them from public trust we inflict pain on them my honorable friend will not dispute. As a Christian, therefore, he is bound to relieve them from that pain unless he can show, what I am sure he has not yet shown, that it is necessary to the general good that they should continue to suffer.

But where, he says, are you to stop, if once you admit into the House of Commons people who deny the authority of the Gospels? Will you let in a Mussulman? Will you let in a Parsee? Will you let in a Hindoo, who worships a lump of stone with seven heads? I will answer my honorable friend's question by another. Where does he mean to stop? Is he ready to roast unbelievers at slow fires? If not, let him tell us why: and

I will engage to prove that his reason is just as decisive against the intolerance which he thinks a duty as against the intolerance which he thinks a crime. Once admit that we are bound to inflict pain on a man because he is not of our religion, and where are you to stop? Why stop at the point fixed by my honorable friend rather than at the point fixed by the honorable Member for Oldham,¹ who would make the Jews incapable of holding land? And why stop at the point fixed by the honorable Member for Oldham rather than at the point which would have been fixed by a Spanish Inquisitor of the sixteenth century? When once you enter on a course of persecution, I defy you to find any reason for making a halt till you have reached the extreme point. When my honorable friend tells us that he will allow the Jews to possess property to any amount, but that he will not allow them to possess the smallest political power, he holds contradictory language. Property is power. The honorable Member for Oldham reasons better than my honorable friend. The honorable Member for Oldham sees very clearly that it is impossible to deprive a man of political power if you suffer him to be the proprietor of half a county, and therefore very consistently proposes to confiscate the landed estates of the Jews. But even the honorable Member for Oldham does not go far enough. He has not proposed to confiscate the personal property of the Jews. Yet it is perfectly certain that any Jew who has a million may easily make himself very important in the state. By such steps we pass from official power to landed property, and from landed property to personal property, and from property to liberty, and from liberty to life. In truth, those persecutors who use the rack and the stake have much to say for themselves. They are convinced that their end is good; and it must be admitted that they employ means which are not unlikely to attain the end. Religious dissent has repeatedly

¹ Mr. Cobbett.

been put down by sanguinary persecution. In that way the Albigenses were put down. In that way Protestantism was suppressed in Spain and Italy, so that it has never since reared its head. But I defy anybody to produce an instance in which disabilities such as we are now considering have produced any other effect than that of making the sufferers angry and obstinate. My honorable friend should either persecute to some purpose, or not persecute at all. He dislikes the word persecution, I know. He will not admit that the Jews are persecuted. And yet I am confident that he would rather be sent to the King's Bench Prison for three months, or be fined a hundred pounds, than be subject to the disabilities under which the Jews lie. How can he, then, say that to impose such disabilities is not persecution, and that to fine and imprison is persecution? All his reasoning consists in drawing arbitrary lines. What he does not wish to inflict he calls persecution. What he does wish to inflict he will not call persecution. What he takes from the Jews he calls political power. What he is too good-natured to take from the Jews he will not call political power. The Jew must not sit in Parliament: but he may be the proprietor of all the ten-pound houses in a borough. He may have more fifty-pound tenants than any peer in the kingdom. He may give the voters treats to please their palates, and hire bands of gypsies to break their heads, as if he were a Christian and a Marquess. All the rest of this system is of a piece. The Jew may be a juryman, but not a judge. He may decide issues of fact, but not issues of law. He may give a hundred thousand pounds damages; but he may not in the most trivial case grant a new trial. He may rule the money market: he may influence the exchanges: he may be summoned to congresses of Emperors and Kings. Great potentates, instead of negotiating a loan with him by tying him in a chair and pulling out his grinders, may treat with him as with a great poten-

tate, and may postpone the declaring of war or the signing of a treaty till they have conferred with him. All this is as it should be: but he must not be a Privy Councillor. He must not be called Right Honorable, for that is political power. And who is it that we are trying to cheat in this way? Even Omniscience. Yes, Sir; we have been gravely told that the Jews are under the divine displeasure, and that if we give them political power God will visit us in judgment. Do we, then, think that God cannot distinguish between substance and form? Does not He know that, while we withhold from the Jews the semblance and name of political power, we suffer them to possess the substance? The plain truth is that my honorable friend is drawn in one direction by his opinions, and in a directly opposite direction by his excellent heart. He halts between two opinions. He tries to make a compromise between principles which admit of no compromise. He goes a certain way in intolerance. Then he stops, without being able to give a reason for stopping. But I know the reason. It is his humanity. Those who formerly dragged the Jew at a horse's tail, and singed his beard with blazing furze-bushes, were much worse men than my honorable friend; but they were more consistent than he.

It has been said that it would be monstrous to see a Jew judge try a man for blasphemy. In my opinion it is monstrous to see any judge try a man for blasphemy under the present law. But, if the law on that subject were in a sound state, I do not see why a conscientious Jew might not try a blasphemer. Every man, I think, ought to be at liberty to discuss the evidences of religion; but no man ought to be at liberty to force on the unwilling ears and eyes of others sounds and sights which must cause annoyance and irritation. The distinction is clear. I think it wrong to punish a man for selling Paine's *Age of Reason* in a back shop to those who choose to buy, or for delivering a Deistical lecture in

a private room to those who choose to listen. But if a man exhibits at a window in the Strand a hideous caricature of that which is an object of awe and adoration to nine hundred and ninety-nine out of every thousand of the people who pass up and down that great thoroughfare; if a man, in a place of public resort, applies opprobrious epithets to names held in reverence by all Christians; such a man ought, in my opinion, to be severely punished, not for differing from us in opinion, but for committing a nuisance which gives us pain and disgust. He is no more entitled to outrage our feelings by obtruding his impiety on us, and to say that he is exercising his right of discussion, than to establish a yard for butchering horses close to our houses and to say that he is exercising his right of property, or to run naked up and down the public streets, and to say that he is exercising his right of locomotion. He has a right of discussion, no doubt, as he has a right of property and a right of locomotion. But he must use all his rights so as not to infringe the rights of others.

These, Sir, are the principles on which I would frame the law of blasphemy; and, if the law were so framed, I am at a loss to understand why a Jew might not enforce it as well as a Christian. I am not a Roman Catholic; but if I were a judge at Malta, I should have no scruple about punishing a bigoted Protestant who should burn the Pope in effigy before the eyes of thousands of Roman Catholics. I am not a Mussulman; but if I were a judge in India, I should have no scruple about punishing a Christian who should pollute a mosque. Why, then, should I doubt that a Jew, raised by his ability, learning, and integrity to the judicial bench, would deal properly with any person who, in a Christian country, should insult the Christian religion?

But, says my honorable friend, it has been prophesied that the Jews are to be wanderers on the face of the earth, and that they are not to mix on terms of equality

with the people of the countries in which they sojourn. Now, Sir, I am confident that I can demonstrate that this is not the sense of any prophecy which is part of Holy Writ. For it is an undoubted fact that, in the United States of America, Jewish citizens do possess all the privileges possessed by Christian citizens. Therefore, if the prophecies mean that the Jews never shall, during their wanderings, be admitted by other nations to equal participation of political rights, the prophecies are false. But the prophecies are certainly not false. Therefore, their meaning cannot be that which is attributed to them by my honorable friend.

Another objection which has been made to this motion is that the Jews look forward to the coming of a great deliverer, to their return to Palestine, to the rebuilding of their temple, to the revival of their ancient worship, and that therefore they will always consider England, not their country, but merely as their place of exile. But, surely, Sir, it would be the grossest ignorance of human nature to imagine that the anticipation of an event which is to happen at some time altogether indefinite, of an event which has been vainly expected during many centuries, of an event which even those who confidently expect that it will happen do not confidently expect that they or their children or their grandchildren will see, can ever occupy the minds of men to such a degree as to make them regardless of what is near and present and certain. Indeed, Christians, as well as Jews, believe that the existing order of things will come to an end. Many Christians believe that Jesus will visibly reign on earth during a thousand years. Expositors of prophecy have gone so far as to fix the year when the Millennial period is to commence. The prevailing opinion is, I think, in favor of the year 1866; but, according to some commentators, the time is close at hand. Are we to exclude all millennarians from Parliament and office, on the ground that they are impatiently looking

forward to the miraculous monarchy which is to supersede the present dynasty and the present Constitution of England, and that therefore they cannot be heartily loyal to King William?

In one important point, Sir, my honorable friend, the Member for the University of Oxford, must acknowledge that the Jewish religion is of all erroneous religions the least mischievous. There is not the slightest chance that the Jewish religion will spread. The Jew does not wish to make proselytes. He may be said to reject them. He thinks it almost culpable in one who does not belong to his race to presume to belong to his religion. It is therefore not strange that a conversion from Christianity to Judaism should be a rarer occurrence than a total eclipse of the sun. There was one distinguished convert in the last century, Lord George Gordon; and the history of his conversion deserves to be remembered. For if ever there was a proselyte of whom a proselytizing sect would have been proud, it was Lord George; not only because he was a man of high birth and rank; not only because he had been a member of the legislature; but also because he had been distinguished by the intolerance nay, the ferocity, of his zeal for his own form of Christianity. But was he allured into the Synagogue? Was he even welcomed to it? No, Sir; he was coldly and reluctantly permitted to share the reproach and suffering of the chosen people; but he was sternly shut out from their privileges. He underwent the painful rite which their law enjoins. But when, on his deathbed, he begged hard to be buried among them according to their ceremonial, he was told that his request could not be granted. I understand that cry of "Hear." It reminds me that one of the arguments against this motion is that the Jews are an unsocial people, that they draw close to each other, and stand aloof from strangers. Really, Sir, it is amusing to compare the manner in which the question of Catholic emancipation was argued formerly by some

gentlemen with the manner in which the question of Jew emancipation is argued by the same gentlemen now. When the question was about Catholic emancipation, the cry was, "See how restless, how versatile, how encroaching, how insinuating, is the spirit of the Church of Rome. See how her priests compass earth and sea to make one proselyte, how indefatigably they toil, how attentively they study the weak and strong parts of every character, how skilfully they employ literature, arts, sciences, as engines for the propagation of their faith. You find them in every region and under every disguise, collating manuscripts in the Bodleian, fixing telescopes in the Observatory of Pekin, teaching the use of the plough and the spinning wheel to the savages of Paraguay. Will you give power to the members of a Church so busy, so aggressive, so insatiable?" Well, now the question is about people who never try to seduce any stranger to join them, and who do not wish anybody to be of their faith who is not also of their blood. And now you exclaim, "Will you give power to the members of a sect which remains sullenly apart from other sects, which does not invite, nay, which hardly even admits, neophytes?" The truth is, that bigotry will never want a pretence. Whatever the sect be which it is proposed to tolerate, the peculiarities of that sect will, for the time, be pronounced by intolerant men to be the most odious and dangerous that can be conceived. As to the Jews, that they are unsocial as respects religion is true; and so much the better: for surely, as Christians, we cannot wish that they should bestir themselves to pervert us from our own faith. But that the Jews would be unsocial members of the civil community, if the civil community did its duty by them, has never been proved. My right honorable friend who made the motion which we are discussing has produced a great body of evidence to show that they have been grossly misrepresented; and that evidence has not been refuted by my honorable

friend the Member for the University of Oxford. But what if it were true that the Jews are unsocial? What if it were true that they do not regard England as their country? Would not the treatment which they have undergone explain and excuse their antipathy to the society in which they live? Has not similar antipathy often been felt by persecuted Christians to the society which persecuted them? While the bloody code of Elizabeth was enforced against the English Roman Catholics, what was the patriotism of Roman Catholics? Oliver Cromwell said that in his time they were Espaniolized. At a later period it might have been said that they were Gallicized. It was the same with the Calvinists. What more deadly enemies had France in the days of Lewis the Fourteenth than the persecuted Huguenots? But would any rational man infer from these facts that either the Roman Catholic as such, or the Calvinist as such, is incapable of loving the land of his birth? If England were now invaded by Roman Catholics, how many English Roman Catholics would go over to the invader? If France were now attacked by a Protestant enemy, how many French Protestants would lend him help? Why not try what effect would be produced on the Jews by that tolerant policy which has made the English Roman Catholic a good Englishman, and the French Calvinist a good Frenchman?

Another charge has been brought against the Jews, not by my honorable friend the Member for the University of Oxford, — he has too much learning and too much good feeling to make such a charge, — but by the honorable Member for Oldham, who has, I am sorry to see, quitted his place. The honorable Member for Oldham tells us that the Jews are naturally a mean race, a sordid race, a money-getting race; that they are averse to all honorable callings; that they neither sow nor reap; that they have neither flocks nor herds; that usury is the only pursuit for which they are fit; that they are desti-

tute of all elevated and amiable sentiments. Such, Sir, has in every age been the reasoning of bigots. They never fail to plead in justification of persecution the vices which persecution has engendered. England has been to the Jews less than half a country; and we revile them because they do not feel for England more than a half patriotism. We treat them as slaves, and wonder that they do not regard us as brethren. We drive them to mean occupations, and then reproach them for not embracing honorable professions. We long forbade them to possess land; and we complain that they chiefly occupy themselves in trade. We shut them out from all the paths of ambition; and then we despise them for taking refuge in avarice. During many ages we have, in all our dealings with them, abused our immense superiority of force; and then we are disgusted because they have recourse to that cunning which is the natural and universal defence of the weak against the violence of the strong. But were they always a mere money-changing, money-getting, money-hoarding race? Nobody knows better than my honorable friend the Member for the University of Oxford that there is nothing in their national character which unfits them for the highest duties of citizens. He knows that, in the infancy of civilization, when our island was as savage as New Guinea, when letters and arts were still unknown to Athens, when scarcely a thatched hut stood on what was afterwards the site of Rome, this contemned people had their fenced cities and cedar palaces, their splendid Temple, their fleets of merchant ships, their schools of sacred learning, their great statesmen and soldiers, their natural philosophers, their historians and their poets. What nation ever contended more manfully against overwhelming odds for its independence and religion? What nation ever, in its last agonies, gave such signal proofs of what may be accomplished by a brave despair? And if, in the course of many centuries, the oppressed descendants of warriors and sages

have degenerated from the qualities of their fathers, if, while excluded from the blessings of law, and bowed down under the yoke of slavery, they have contracted some of the vices of outlaws and of slaves, shall we consider this as matter of reproach to them? Shall we not rather consider it as matter of shame and remorse to ourselves? Let us do justice to them. Let us open to them the door of the House of Commons. Let us open to them every career in which ability and energy can be displayed. Till we have done this, let us not presume to say that there is no genius among the countrymen of Isaiah, no heroism among the descendants of the Macca-bees.

Sir, in supporting the motion of my honorable friend, I am, I firmly believe, supporting the honor and the interests of the Christian religion. I should think that I insulted that religion if I said that it cannot stand unaided by intolerant laws. Without such laws it was established, and without such laws it may be maintained. It triumphed over the superstitions of the most refined and of the most savage nations, over the graceful mythology of Greece and the bloody idolatry of the northern forests. It prevailed over the power and policy of the Roman empire. It tamed the barbarians by whom that empire was overthrown. But all these victories were gained not by the help of intolerance, but in spite of the opposition of intolerance. The whole history of Christianity proves that she has little indeed to fear from persecution as a foe, but much to fear from persecution as an ally. May she long continue to bless our country with her benignant influence, strong in her sublime philosophy, strong in her spotless morality, strong in those internal and external evidences to which the most powerful and comprehensive of human intellects have yielded assent, the last solace of those who have outlived every earthly hope, the last restraint of those who are raised

above every earthly fear! But let not us, mistaking her character and her interests, fight the battle of truth with the weapons of error, and endeavor to support by oppression that religion which first taught the human race the great lesson of universal charity.

GOVERNMENT OF INDIA

JULY 10, 1833

On Wednesday, the tenth of July, 1833, Mr. Charles Grant, President of the Board of Control, moved that the Bill for effecting an arrangement with the India Company, and for the better government of His Majesty's Indian territories, should be read a second time. The motion was carried without a division, but not without a long debate, in the course of which the following Speech was made.

HAVING, while this bill was in preparation, enjoyed the fullest and kindest confidence of my right honorable friend, the President of the Board of Control, agreeing with him completely in all those views which on a former occasion he so luminously and eloquently developed, having shared his anxieties and feeling that in some degree I share his responsibility, I am naturally desirous to obtain the attention of the House while I attempt to defend the principles of the proposed arrangement. I wish that I could promise to be very brief; but the subject is so extensive that I will only promise to condense what I have to say as much as I can.

I rejoice, Sir, that I am completely dispensed, by the turn which our debates have taken, from the necessity of saying anything in favor of one part of our plan, the opening of the China trade. No voice, I believe, has yet been raised here in support of the monopoly. On that subject all public men of all parties seem to be agreed. The resolution proposed by the Ministers has received the unanimous assent of both Houses, and the approbation of the whole kingdom. I will not, therefore, Sir,

detain you by vindicating what no gentleman has yet ventured to attack, but will proceed to call your attention to those effects which this great commercial revolution necessarily produced on the system of Indian government and finance.

The China trade is to be opened. Reason requires this. Public opinion requires it. The government of the Duke of Wellington felt the necessity as strongly as the government of Lord Grey. No Minister, Whig or Tory, could have been found to propose a renewal of the monopoly. No Parliament, reformed or unreformed, would have listened to such a proposition. But though the opening of the trade was a matter concerning which the public had long made up its mind, the political consequences which must necessarily follow from the opening of the trade seem to me to be even now little understood. The language which I have heard in almost every circle where the subject was discussed was this: "Take away the monopoly, and leave the government of India to the Company:" a very short and convenient way of settling one of the most complicated questions that ever a legislature had to consider. The honorable Member for Sheffield,¹ though not disposed to retain the Company as an organ of government, has repeatedly used language which proves that he shares in the general misconception. The fact is that the abolition of the monopoly rendered it absolutely necessary to make a fundamental change in the Constitution of that great Corporation.

The Company had united in itself two characters, the character of trader and the character of sovereign. Between the trader and the sovereign there was a long and complicated account, almost every item of which furnished matter for litigation. While the monopoly continued, indeed, litigation was averted. The effect of the monopoly was, to satisfy the claims both of commerce and of territory, at the expense of a third party, the

¹ Mr. Buckingham.

English people; to secure at once funds for the dividend of the stockholder and funds for the government of the Indian empire, by means of a heavy tax on the tea consumed in this country. But, when the third party would no longer bear this charge, all the great financial questions which had, at the cost of that third party, been kept in abeyance, were opened in an instant. The connection between the Company in its mercantile capacity and the same Company in its political capacity was dissolved. Even if the Company were permitted, as has been suggested, to govern India and at the same time to trade with China, no advances would be made from the profits of its Chinese trade for the support of its Indian government. It was in consideration of the exclusive privilege that the Company had hitherto been required to make those advances; it was by the exclusive privilege that the Company had been enabled to make them. When that privilege was taken away, it would be unreasonable in the Legislature to impose such an obligation, and impossible for the Company to fulfil it. The whole system of loans from commerce to territory, and repayments from territory to commerce, must cease. Each party must rest altogether on its own resources. It was therefore absolutely necessary to ascertain what resources each party possessed, to bring the long and intricate account between them to a close, and to assign to each a fair portion of assets and liabilities. There was vast property. How much of that property was applicable to purposes of state? How much was applicable to a dividend? There were debts to the amount of many millions. Which of these were the debts of the government that ruled at Calcutta? Which of the great mercantile house that bought tea at Canton? Were the creditors to look to the land revenues of India for their money? Or were they entitled to put executions into the warehouses behind Bishopsgate Street?

There were two ways of settling these questions: adju-

THE GOVERNMENT HOUSES, CALCUTTA





dication and compromise. The difficulties of adjudication were great; I think insuperable. Whatever acuteness and diligence could do has been done. One person in particular, whose talents and industry peculiarly fitted him for such investigations, and of whom I can never think without regret, Mr. Hyde Villiers, devoted himself to the examination with an ardor and a perseverance which, I believe, shortened a life most valuable to his country and to his friends. The assistance of the most skilful accountants has been called in. But the difficulties are such as no accountant, however skilful, could possibly remove. The difficulties are not arithmetical, but political. They arise from the constitution of the Company, from the long and intimate union of the commercial and imperial characters in one body. Suppose that the treasurer of a charity were to mix up the money which he receives on account of the charity with his own private rents and dividends, to pay the whole into his bank to his own private account, to draw it out again by checks in exactly the same form when he wanted it for his private expenses, and when he wanted it for the purposes of his public trust. Suppose that he were to continue to act thus till he was himself ignorant whether he were in advance or in arrear; and suppose that many years after his death a question were to arise whether his estate were in debt to the charity or the charity in debt to his estate. Such is the question which is now before us, with this important difference; that the accounts of an individual could not be in such a state unless he had been guilty of fraud, or of that gross negligence which is scarcely less culpable than fraud, and that the accounts of the Company were brought into this state by circumstances of a very peculiar kind, by circumstances unparalleled in the history of the world.

It is a mistake to suppose that the Company was a merely commercial body till the middle of the last century. Commerce was its chief object; but in order to

enable it to pursue that object, it had been, like the other Companies which were its rivals, like the Dutch India Company, like the French India Company, invested from a very early period with political functions. More than a hundred and twenty years ago, the Company was in miniature precisely what it now is. It was entrusted with the very highest prerogatives of sovereignty. It had its forts, and its white captains, and its black Sepoys; it had its civil and criminal tribunals; it was authorized to proclaim martial law; it sent ambassadors to the native governments, and concluded treaties with them; it was Zemindar of several districts, and within those districts, like other Zemindars of the first class, it exercised the powers of a sovereign, even to the infliction of capital punishment on the Hindoos within its jurisdiction. It is incorrect, therefore, to say, that the Company was at first a mere trader, and has since become a sovereign. It was at first a great trader and a petty prince. The political functions at first attracted little notice, because they were merely auxiliary to the commercial functions. By degrees, however, the political functions became more and more important. The Zemindar became a great nabob, became sovereign of all India; the two hundred Sepoys became two hundred thousand. This change was gradually wrought, and was not immediately comprehended. It was natural that, while the political functions of the Company were merely auxiliary to its commerce, the political accounts should have been mixed up with the commercial accounts. It was equally natural that this mode of keeping accounts, having once been established, should have remained unaltered; and the more so, as the change in the situation of the Company, though rapid, was not sudden. It is impossible to name any one day, or any one year, as the day or the year when the Company became a great potentate. It has been the fashion indeed to fix on the year 1765, the year in which the Mogul issued a commission authorizing the

Company to administer the revenues of Bengal, Bahar, and Orissa, as the precise date of the accession of this singular body to sovereignty. I am utterly at a loss to understand why this epoch should be selected. Long before 1765 the Company had the reality of political power. Long before that year, they made a nabob of Arcot; they made and unmade nabobs of Bengal; they humbled the Vizier of Oude; they braved the Emperor of Hindostan himself; more than half the revenues of Bengal were under one pretence or another administered by them. And after the grant, the Company was not, in form and name, an independent power. It was merely a minister of the court of Delhi. Its coinage bore the name of Shah Alum. The inscription which, down to the time of the Marquess of Hastings, appeared on the seal of the Governor General, declared that great functionary to be the slave of the Mogul. Even to this day we have never formally deposed the King of Delhi. The Company contents itself with being Mayor of the Palace, while the *Roi Fainéant* is suffered to play at being a sovereign. In fact, it was considered, both by Lord Clive and by Warren Hastings, as a point of policy to leave the character of the Company thus undefined, in order that the English might treat the princes in whose names they governed as realities or nonentities, just as might be most convenient.

Thus the transformation of the Company from a trading body, which possessed some sovereign prerogatives for the purposes of trade, into a sovereign body, the trade of which was auxiliary to its sovereignty, was affected by degrees and under disguise. It is not strange, therefore, that the mercantile and political transactions of this great corporation should be entangled together in inextricable complication. The commercial investments have been purchased out of the revenues of the empire. The expenses of war and government have been defrayed out of the profits of the trade. Commerce and territory

have contributed to the improvement of the same spot of land, to the repairs of the same building. Securities have been given in precisely the same form, for money which has been borrowed for purposes of state, and for money which has been borrowed for purposes of traffic. It is easy, indeed, — and this is a circumstance which has, I think, misled some gentlemen, — it is easy to see what part of the assets of the Company appears in a commercial form, and what part appears in a political or territorial form. But this is not the question. Assets which are commercial in form may be territorial as respects the right of property; assets which are territorial in form may be commercial as respects the right of property. A chest of tea is not necessarily commercial property; it may have been bought out of the territorial revenue. A fort is not necessarily territorial property; it may stand on ground which the Company bought a hundred years ago out of their commercial profits. Adjudication, if by adjudication be meant decision according to some known rule of law, was out of the question. To leave matters like these to be determined by the ordinary maxims of our civil jurisprudence would have been the height of absurdity and injustice. For example, the home bond debt of the Company, it is believed, was incurred partly for political and partly for commercial purposes. But there is no evidence which would enable us to assign to each branch its proper share. The bonds all run in the same form; and a court of justice would, therefore, of course, either lay the whole burden on the proprietors, or lay the whole on the territory. We have legal opinions, very respectable legal opinions, to the effect, that in strictness of law the territory is not responsible, and that the commercial assets are responsible for every farthing of the debts which were incurred for the government and defence of India. But though this may be, and I believe is, law, it is, I am sure, neither reason nor justice. On the other hand, it is urged by

the advocates of the Company, that some valuable portions of the territory are the property of that body in its commercial capacity; that Calcutta, for example, is the private estate of the Company; that the Company holds the island of Bombay, in free and common socage, as of the Manor of East Greenwich. I will not pronounce any opinion on these points. I have considered them enough to see that there is quite difficulty enough in them to exercise all the ingenuity of all the lawyers in the kingdom for twenty years. But the fact is, Sir, that the municipal law was not made for controversies of this description. The existence of such a body as this gigantic corporation, this political monster of two natures, subject in one hemisphere, sovereign in another, had never been contemplated by the legislators or judges of former ages. Nothing but grotesque absurdity and atrocious injustice could have been the effect, if the claims and liabilities of such a body had been settled according to the rules of Westminster Hall, if the maxims of conveyances had been applied to the titles by which flourishing cities and provinces are held, or the maxims of the law merchant to those promissory notes which are the securities for a great National Debt, raised for the purpose of exterminating the Pindarrees and humbling the Burmese.

It was, as I have said, absolutely impossible to bring the question between commerce and territory to a satisfactory adjudication; and I must add that, even if the difficulties which I have mentioned could have been surmounted, even if there had been reason to hope that a satisfactory adjudication could have been obtained, I should still have wished to avoid that course. I think it desirable that the Company should continue to have a share in the government of India; and it would evidently have been impossible, pending a litigation between commerce and territory, to leave any political power to the Company. It would clearly have been the duty of those

who were charged with the superintendence of India, to be the patrons of India throughout that momentous litigation, to scrutinize with the utmost severity every claim which might be made on the Indian revenues, and to oppose, with energy and perseverance, every such claim, unless its justice were manifest. If the Company was to be engaged in a suit for many millions, in a suit which might last for many years, against the Indian territory, could we entrust the Company with the government of that territory? Could we put the plaintiff in the situation of *prochain ami* of the defendant? Could we appoint governors who would have had an interest opposed in the most direct manner to the interest of the governed, whose stock would have been raised in value by every decision which added to the burdens of their subjects, and depressed by every decision which diminished those burdens? It would be absurd to suppose that they would efficiently defend our Indian empire against the claims which they were themselves bringing against it; and it would be equally absurd to give the government of the Indian empire to those who could not be trusted to defend its interests.

Seeing, then, that it was most difficult, if not wholly impossible, to resort to adjudication between commerce and territory, seeing that, if recourse were had to adjudication, it would be necessary to make a complete revolution in the whole Constitution of India, the government has proposed a compromise. That compromise, with some modifications which did not in the slightest degree affect its principle, and which, while they gave satisfaction to the Company, will eventually lay no additional burden on the territory, has been accepted. It has, like all other compromises, been loudly censured by violent partisans on both sides. It has been represented by some as far too favorable to the Company, and by others as most unjust to the Company. Sir, I own that we cannot prove that either of these accusations is un-

founded. It is of the very essence of our case that we should not be able to show that we have assigned, either to commerce or to territory, its precise due. For our principal reason for recommending a compromise was our full conviction that it was absolutely impossible to ascertain with precision what was due to commerce and what was due to territory. It is not strange that some people should accuse us of robbing the Company, and others of conferring a vast boon on the Company, at the expense of India: for we have proposed a middle course, on the very ground that there was a chance of a result much more favorable to the Company than our arrangement, and a chance also of a result much less favorable. If the questions pending between the Company and India had been decided as the ardent supporters of the Company predicted, India would, if I calculate rightly, have paid eleven millions more than she will now have to pay. If those questions had been decided as some violent enemies of the Company predicted, that great body would have been utterly ruined. The very meaning of compromise is that each party gives up his chance of complete success, in order to be secured against the chance of utter failure. And, as men of sanguine minds always overrate the chances in their own favor, every fair compromise is sure to be severely censured on both sides. I conceive that, in a case so dark and complicated as this, the compromise which we recommend is sufficiently vindicated, if it cannot be proved to be unfair. We are not bound to prove it to be fair. For it would have been unnecessary for us to resort to compromise at all, if we had been in possession of evidence which would have enabled us to pronounce, with certainty, what claims were fair and what were unfair. It seems to me that we have acted with due consideration for every party. The dividend which we give to the proprietors is precisely the same dividend which they have been receiving during forty years, and which they have expected to receive perma-

nently. The price of their stock bears at present the same proportion to the price of other stock which it bore four or five years ago, before the anxiety and excitement which the late negotiations naturally produced had begun to operate. As to the territory on the other hand, it is true that, if the assets which are now in a commercial form should not produce a fund sufficient to pay the debts and dividend of the Company, the territory must stand to the loss and pay the difference. But in return for taking this risk, the territory obtains an immediate release from claims to the amount of many millions. I certainly do not believe that all those claims could have been substantiated; but I know that very able men think differently. And, if only one fourth of the sum demanded had been awarded to the Company, India would have lost more than the largest sum which, as it seems to me, she can possibly lose under the proposed arrangement.

In a pecuniary point of view, therefore, I conceive that we can defend the measure as it affects the territory. But to the territory the pecuniary question is of secondary importance. If we have made a good pecuniary bargain for India, but a bad political bargain, if we have saved three or four millions to the finances of that country, and given to it, at the same time, pernicious institutions, we shall indeed have been practising a most ruinous parsimony. If, on the other hand, it shall be found that we have added fifty or a hundred thousand pounds a year to the expenditure of an empire which yields a revenue of twenty millions, but that we have at the same time secured to that empire, as far as in us lies, the blessings of good government, we shall have no reason to be ashamed of our profusion. I hope and believe that India will have to pay nothing. But on the most unfavorable supposition that can be made, she will not have to pay so much to the Company as she now pays annually to a single state pageant, to the titular Nabob of Bengal, for

example, or the titular King of Delhi. What she pays to these nominal princes, who, while they did anything, did mischief, and who now do nothing, she may well consent to pay to her real rulers, if she receives from them, in return, efficient protection and good legislation.

We come then to the great question. Is it desirable to retain the Company as an organ of government for India? I think that it is desirable. The question is, I acknowledge, beset with difficulties. We have to solve one of the hardest problems in politics. We are trying to make brick without straw, to bring a clean thing out of an unclean, to give a good government to a people to whom we cannot give a free government. In this country, in any neighboring country, it is easy to frame securities against oppression. In Europe, you have the materials of good government everywhere ready to your hands. The people are everywhere perfectly competent to hold some share, not in every country an equal share, but some share, of political power. If the question were, What is the best mode of securing good government in Europe? the merest smatterer in politics would answer, representative institutions. In India you cannot have representative institutions. Of all the innumerable speculators who have offered their suggestions on Indian politics, not a single one, as far as I know, however democratical his opinions may be, has ever maintained the possibility of giving, at the present time, such institutions to India. One gentleman, extremely well acquainted with the affairs of our Eastern empire, a most valuable servant of the Company, and the author of a History of India, which, though certainly not free from faults, is, I think, on the whole, the greatest historical work which has appeared in our language since that of Gibbon, I mean Mr. Mill, was examined on this point. That gentleman is well known to be a very bold and uncompromising politician. He has written strongly, far too strongly, I think, in favor of pure democracy. He

has gone so far as to maintain that no nation which has not a representative legislature, chosen by universal suffrage, enjoys security against oppression. But when he was asked before the Committee of last year whether he thought representative government practicable in India, his answer was, "utterly out of the question." This, then, is the state in which we are. We have to frame a good government for a country into which, by universal acknowledgment, we cannot introduce those institutions which all our habits, which all the reasonings of European philosophers, which all the history of our own part of the world, would lead us to consider as the one great security for good government. We have to engraft on despotism those blessings which are the natural fruits of liberty. In these circumstances, Sir, it behooves us to be cautious, even to the verge of timidity. The light of political science and of history are withdrawn: we are walking in darkness: we do not distinctly see whither we are going. It is the wisdom of a man, so situated, to feel his way, and not to plant his foot till he is well assured that the ground before him is firm.

Some things, however, in the midst of this obscurity, I can see with clearness. I can see, for example, that it is desirable that the authority exercised in this country over the Indian government should be divided between two bodies, between a minister or a board appointed by the Crown, and some other body independent of the Crown. If India is to be a dependency of England, to be at war with our enemies, to be at peace with our allies, to be protected by the English navy from maritime aggression, to have a portion of the English army mixed with its Sepoys, it plainly follows that the King, to whom the Constitution gives the direction of foreign affairs, and the command of the military and naval forces, ought to have a share in the direction of the Indian government. Yet, on the other hand, that a revenue of twenty millions a year, an army of two hundred thousand men,

a civil service abounding with lucrative situations, should be left to the disposal of the Crown without any check whatever, is what no Minister, I conceive, would venture to propose. This House is indeed the check provided by the Constitution on the abuse of the royal prerogative. But that this House is, or is likely ever to be, an efficient check on abuses practised in India, I altogether deny. We have, as I believe we all feel, quite business enough. If we were to undertake the task of looking into Indian affairs as we look into British affairs, if we were to have Indian budgets and Indian estimates, if we were to go into the Indian currency question and the Indian Bank Charter, if to our disputes about Belgium and Holland, Don Pedro and Don Miguel, were to be added disputes about the debts of the Guicowar and the disorders of Mysore, the ex-king of the Afghans and the Maharajah Runjeet Sing; if we were to have one night occupied by the embezzlements of the Benares mint, and another by the panic in the Calcutta money market; if the questions of Suttee or no Suttee, Pilgrim tax or no Pilgrim tax, Ryotwary or Zemindary, half Batta or whole Batta, were to be debated at the same length at which we have debated Church reform and the assessed taxes, twenty-four hours a day and three hundred and sixty-five days a year would be too short a time for the discharge of our duties. The House, it is plain, has not the necessary time to settle these matters; nor has it the necessary knowledge; nor has it the motives to acquire that knowledge. The late change in its Constitution has made it, I believe, a much more faithful representative of the English people. But it is as far as ever from being a representative of the Indian people. A broken head in Cold Bath Fields produces a greater sensation among us than three pitched battles in India. A few weeks ago we had to decide on a claim brought by an individual against the revenues of India. If it had been an English question the walls would scarcely have held the Members who would have flocked

to the division. It was an Indian question; and we could scarcely, by dint of supplication, make a House. Even when my right honorable friend, the President of the Board of Control, gave his able and interesting explanation of the plan which he intended to propose for the government of a hundred millions of human beings, the attendance was not so large as I have often seen it on a turnpike bill or a railroad bill.

I, then, take these things as proved, that the Crown must have a certain authority over India, that there must be an efficient check on the authority of the Crown, and that the House of Commons cannot be that efficient check. We must then find some other body to perform that important office. We have such a body, the Company. Shall we discard it?

It is true that the power of the Company is an anomaly in politics. It is strange, very strange, that a joint-stock society of traders, a society, the shares of which are daily passed from hand to hand, a society, the component parts of which are perpetually changing, a society, which, judging *à priori* from its Constitution, we should have said was as little fitted for imperial functions as the Merchant Tailors' Company or the New River Company, should be entrusted with the sovereignty of a larger population, the disposal of a larger clear revenue, the command of a larger army, than are under the direct management of the Executive government of the United Kingdom. But what Constitution can we give to our Indian empire which shall not be strange, which shall not be anomalous? That empire is itself the strangest of all political anomalies. That a handful of adventurers from an island in the Atlantic should have subjugated a vast country divided from the place of their birth by half the globe; a country which at no very distant period was merely the subject of fable to the nations of Europe; a country never before violated by the most renowned of Western conquerors; a country which Trajan never

entered; a country lying beyond the point where the phalanx of Alexander refused to proceed; that we should govern a territory ten thousand miles from us, a territory larger and more populous than France, Spain, Italy, and Germany put together, a territory, the present clear revenue of which exceeds the present clear revenue of any state in the world, France excepted; a territory, inhabited by men differing from us in race, color, language, manners, morals, religion; these are*prodigies to which the world has seen nothing similar. Reason is confounded. We interrogate the past in vain. General rules are useless where the whole is one vast exception. The Company is an anomaly; but it is part of a system where everything is anomaly. It is the strangest of all governments; but it is designed for the strangest of all empires.

If we discard the Company, we must find a substitute: and, take what substitute we may, we shall find ourselves unable to give any reason for believing that the body which we have put in the room of the Company is likely to acquit itself of its duties better than the Company. Commissioners appointed by the King during pleasure would be no check on the Crown; Commissioners appointed by the King or by Parliament for life would always be appointed by the political party which might be uppermost, and if a change of administration took place, would harass the new government with the most vexatious opposition. The plan suggested by the right honorable gentleman, the Member for Montgomeryshire,¹ is, I think, the very worst that I have ever heard. He would have Directors nominated every four years by the Crown. Is it not plain that these Directors would always be appointed from among the supporters of the Ministry for the time being; that their situations would depend on the permanence of that Ministry; that therefore all their power and patronage would be em-

¹ Mr. Charles Wynn.

ployed for the purpose of propping that Ministry, and, in case of a change, for the purpose of molesting those who might succeed to power; that they would be subservient while their friends were in, and factious when their friends were out? How would Lord Grey's Ministry have been situated if the whole body of Directors had been nominated by the Duke of Wellington in 1830? I mean no imputation on the Duke of Wellington. If the present Ministers had to nominate Directors for four years, they would, I have no doubt, nominate men who would give no small trouble to the Duke of Wellington if he were to return to office. What we want is a body independent of the government, and no more than independent, not a tool of the Treasury, not a tool of the opposition. No new plan which I have heard proposed would give us such a body. The Company, strange as its Constitution may be, is such a body. It is, as a corporation, neither Whig nor Tory, neither high church nor low church. It cannot be charged with having been for or against the Catholic Bill, for or against the Reform Bill. It has constantly acted with a view, not to English politics, but to Indian politics. We have seen the country convulsed by faction. We have seen Ministers driven from office by this House, Parliament dissolved in anger, general elections of unprecedented turbulence, debates of unprecedented interest. We have seen the two branches of the Legislature placed in direct opposition to each other. We have seen the advisers of the Crown dismissed one day, and brought back the next day on the shoulders of the people. And amidst all these agitating events the Company has preserved strict and unsuspected neutrality. This is, I think, an inestimable advantage; and it is an advantage which we must altogether forego, if we consent to adopt any of the schemes which I have heard proposed on the other side of the House.

We must judge of the Indian government, as of all

other governments, by its practical effects. According to the honorable Member for Sheffield, India is ill governed; and the whole fault is with the Company. Innumerable accusations, great and small, are brought by him against the Directors. They are fond of war: they are fond of dominion: the taxation is burdensome: the laws are undigested: the roads are rough: the post goes on foot: and for everything the Company is answerable. From the dethronement of the Mogul princes to the mishaps of Sir Charles Metcalfe's courier, every disaster that has taken place in the East during sixty years is laid to the charge of this corporation. And the inference is, that all the power which they possess ought to be taken out of their hands, and transferred at once to the Crown.

Now, Sir, it seems to me that, for all the evils which the honorable gentleman has so pathetically recounted, the Ministers of the Crown are as much to blame as the Company; nay, much more so: for the Board of Control could, without the consent of the Directors, have redressed those evils; and the Directors most certainly could not have redressed them without the consent of the Board of Control. Take the case of that frightful grievance which seems to have made the deepest impression on the mind of the honorable gentleman, the slowness of the mail. Why, Sir, if my right honorable friend, the President of our Board, thought fit, he might direct me to write to the Court and require them to frame a dispatch on that subject. If the Court disobeyed, he might himself frame a dispatch ordering Lord William Bentinck to put the dawks all over Bengal on horseback. If the Court refused to send out this dispatch, the Board could apply to the King's Bench for a Mandamus. If, on the other hand, the Directors wished to accelerate the journeys of the mail, and the Board were adverse to the project, the Directors could do nothing at all. For all measures of internal policy the servants of the King are

at least as deeply responsible as the Company. For all measures of foreign policy the servants of the King, and they alone, are responsible. I was surprised to hear the honorable gentleman accuse the Directors of insatiable ambition and rapacity, when he must know that no act of aggression on any native state can be committed by the Company without the sanction of the Board, and that, in fact, the Board has repeatedly approved of war-like measures, which were strenuously opposed by the Company. He must know, in particular, that, during the energetic and splendid administration of the Marquess Wellesley, the Company was all for peace, and the Board all for conquest. If a line of conduct which the honorable gentleman thinks unjustifiable has been followed by the Ministers of the Crown in spite of the remonstrances of the Directors, this is surely a strange reason for turning off the Directors, and giving the whole power unchecked to the Crown.

The honorable member tells us that India, under the present system, is not so rich and flourishing as she was two hundred years ago. Really, Sir, I doubt whether we are in possession of sufficient data to enable us to form a judgment on that point. But the matter is of little importance. We ought to compare India under our government, not with India under Akbar and his immediate successors, but with India as we found it. The calamities through which that country passed during the interval between the fall of the Mogul power and the establishment of the English supremacy were sufficient to throw the people back whole centuries. It would surely be unjust to say, that Alfred was a bad King, because Britain, under his government, was not so rich or so civilized as in the time of the Romans.

In what state, then, did we find India? And what have we made India? We found society throughout that vast country in a state to which history scarcely furnishes a parallel. The nearest parallel would, perhaps,

be the state of Europe during the fifth century. The Mogul empire in the time of the successors of Aurungzebe, like the Roman empire in the time of the successors of Theodosius, was sinking under the vices of a bad internal administration, and under the assaults of barbarous invaders. At Delhi, as at Ravenna, there was a mock sovereign, immured in a gorgeous state prison. He was suffered to indulge in every sensual pleasure. He was adored with servile prostrations. He assumed and bestowed the most magnificent titles. But, in fact, he was a mere puppet in the hands of some ambitious subject. While the Honorii and Augustuli of the East, surrounded by their fawning eunuchs, revelled and dozed without knowing or caring what might pass beyond the walls of their palace gardens, the provinces had ceased to respect a government which could neither punish nor protect them. Society was a chaos. Its restless and shifting elements formed themselves every moment into some new combination, which the next moment dissolved. In the course of a single generation a hundred dynasties grew up, flourished, decayed, were extinguished, were forgotten. Every adventurer who could muster a troop of horse might aspire to a throne. Every palace was every year the scene of conspiracies, treasons, revolutions, parricides. Meanwhile a rapid succession of Alarics and Attilas passed over the defenceless empire. A Persian invader penetrated to Delhi, and carried back in triumph the most precious treasures of the House of Tamerlane. The Afghan soon followed, by the same track, to glean whatever the Persian had spared. The Jauts established themselves on the Jumna. The Seiks devastated Lahore. Every part of India, from Tanjore to the Himalayas, was laid under contribution by the Mahrattas. The people were ground down to the dust by the oppressor without and the oppressor within, by the robber from whom the Nabob was unable to protect them, by the Nabob who took whatever the robber had

left to them. All the evils of despotism, and all the evils of anarchy, pressed at once on that miserable race. They knew nothing of government but its exactions. Desolation was in their imperial cities, and famine all along the banks of their broad and redundant rivers. It seemed that a few more years would suffice to efface all traces of the opulence and civilization of an earlier age.

Such was the state of India when the Company began to take part in the disputes of its ephemeral sovereigns. About eighty years have elapsed since we appeared as auxiliaries in a contest between two rival families for the sovereignty of a small corner of the Peninsula. From that moment commenced a great, a stupendous process, the reconstruction of a decomposed society. Two generations have passed away; and the process is complete. The scattered fragments of the empire of Aurungzebe have been united in an empire stronger and more closely knit together than that which Aurungzebe ruled. The power of the new sovereigns penetrates their dominions more completely, and is far more implicitly obeyed, than was that of the proudest princes of the Mogul dynasty.

It is true that the early history of this great revolution is checkered with guilt and shame. It is true that the founders of our Indian empire too often abused the strength which they derived from superior energy and superior knowledge. It is true that, with some of the highest qualities of the race from which they sprang, they combined some of the worst defects of the race over which they ruled. How should it have been otherwise? Born in humble stations, accustomed to earn a slender maintenance by obscure industry, they found themselves transformed in a few months from clerks drudging over desks, or captains in marching regiments, into statesmen and generals, with armies at their command, with the revenues of kingdoms at their disposal, with power to make and depose sovereigns at their pleasure. They were what it was natural that men should be who had been raised

by so rapid an ascent to so dizzy an eminence, profuse and rapacious, imperious and corrupt.

It is true, then, that there was too much foundation for the representations of those satirists and dramatists who held up the character of the English Nabob to the derision and hatred of a former generation. It is true that some disgraceful intrigues, some unjust and cruel wars, some instances of odious perfidy and avarice stain the annals of our Eastern empire. It is true that the duties of government and legislation were long wholly neglected or carelessly performed. It is true that when the conquerors at length began to apply themselves in earnest to the discharge of their high functions, they committed the errors natural to rulers who were but imperfectly acquainted with the language and manners of their subjects. It is true that some plans, which were dictated by the purest and most benevolent feelings, have not been attended by the desired success. It is true that India suffers to this day from a heavy burden of taxation and from a defective system of law. It is true, I fear, that in those states which are connected with us by subsidiary alliance, all the evils of Oriental despotism have too frequently shown themselves in their most loathsome and destructive form.

All this is true. Yet in the history and in the present state of our Indian empire I see ample reason for exultation and for a good hope.

I see that we have established order where we found confusion. I see that the petty dynasties which were generated by the corruption of the great Mahometan empire, and which, a century ago, kept all India in constant agitation, have been quelled by one overwhelming power. I see that the predatory tribes which, in the middle of the last century, passed annually over the harvests of India with the destructive rapidity of a hurricane, have quailed before the valor of a braver and sterner race, have been vanquished, scattered, hunted to

their strongholds, and either extirpated by the English sword, or compelled to exchange the pursuits of rapine for those of industry.

I look back for many years; and I see scarcely a trace of the vices which blemished the splendid fame of the first conquerors of Bengal. I see peace studiously preserved. I see faith inviolably maintained towards feeble and dependent states. I see confidence gradually infused into the minds of suspicious neighbors. I see the horrors of war mitigated by the chivalrous and Christian spirit of Europe. I see examples of moderation and clemency, such as I should seek in vain in the annals of any other victorious and dominant nation. I see captive tyrants, whose treachery and cruelty might have excused a severe retribution, living in security, comfort, and dignity, under the protection of the government which they labored to destroy.

I see a large body of civil and military functionaries resembling in nothing but capacity and valor those adventurers who, seventy years ago, came hither, laden with wealth and infamy, to parade before our fathers the plundered treasures of Bengal and Tanjore. I reflect with pride that to the doubtful splendor which surrounds the memory of Hastings and of Clive, we can oppose the spotless glory of Elphinstone and Munro. I contemplate with reverence and delight the honorable poverty which is the evidence of rectitude firmly maintained amidst strong temptations. I rejoice to see my countrymen, after ruling millions of subjects, after commanding victorious armies, after dictating terms of peace at the gates of hostile capitals, after administering the revenues of great provinces, after judging the causes of wealthy Zemindars, after residing at the courts of tributary Kings, return to their native land with no more than a decent competence.

I see a government anxiously bent on the public good. Even in its errors I recognize a paternal feeling towards

the great people committed to its charge. I see toleration strictly maintained: yet I see bloody and degrading superstitions gradually losing their power. I see the morality, the philosophy, the taste of Europe, beginning to produce a salutary effect on the hearts and understandings of our subjects. I see the public mind of India, that public mind which we found debased and contracted by the worst forms of political and religious tyranny, expanding itself to just and noble views of the ends of government and of the social duties of man.

I see evils: but I see the government actively employed in the work of remedying those evils. The taxation is heavy; but the work of retrenchment is unsparingly pursued. The mischiefs arising from the system of subsidiary alliance are great: but the rulers of India are fully aware of those mischiefs, and are engaged in guarding against them. Wherever they now interfere for the purpose of supporting a native government, they interfere also for the purpose of reforming it.

Seeing these things, then, am I prepared to discard the Company as an organ of government? I am not. Assuredly I will never shrink from innovation where I see reason to believe that innovation will be improvement. That the present government does not shrink from innovations which it considers as improvements the bill now before the House sufficiently shows. But surely the burden of the proof lies on the innovators. They are bound to show that there is a fair probability of obtaining some advantage before they call upon us to take up the foundations of the Indian government. I have no superstitious veneration for the Court of Directors or the Court of Proprietors. Find me a better council: find me a better constituent body: and I am ready for a change. But of all the substitutes for the Company which have hitherto been suggested, not one has been proved to be better than the Company; and most of them I could, I think, easily prove to be worse. Circum-

stances might force us to hazard a change. If the Company were to refuse to accept of the government unless we would grant pecuniary terms which I thought extravagant, or unless we gave up the clauses in this bill which permit Europeans to hold landed property and natives to hold office, I would take them at their word. But I will not discard them in the mere rage of experiment.

Do I call the government of India a perfect government? Very far from it. No nation can be perfectly well governed till it is competent to govern itself. I compare the Indian government with other governments of the same class, with despotisms, with military despotisms, with foreign military despotisms; and I find none that approaches it in excellence. I compare it with the government of the Roman provinces, with the government of the Spanish colonies; and I am proud of my country and my age. Here are a hundred millions of people under the absolute rule of a few strangers, differing from them physically, differing from them morally, mere Mamelukes, not born in the country which they rule, not meaning to lay their bones in it. If you require me to make this government as good as that of England, France, or the United States of America, I own frankly that I can do no such thing. Reasoning *à priori*, I should have come to the conclusion that such a government must be a horrible tyranny. It is a source of constant amazement to me that it is so good as I find it to be. I will not, therefore, in a case in which I have neither principles nor precedents to guide me, pull down the existing system on account of its theoretical defects. For I know that any system which I could put in its place would be equally condemned by theory, while it would not be equally sanctioned by experience.

Some change in the Constitution of the Company was, as I have shown, rendered inevitable by the opening of the China trade; and it was the duty of the government to take care that the change should not be prejudicial to

India. There were many ways in which the compromise between commerce and territory might have been effected. We might have taken the assets, and paid a sum down, leaving the Company to invest that sum as they chose. We might have offered English security with a lower interest. We might have taken the course which the late ministers designed to take. They would have left the Company in possession of the means of carrying on its trade in competition with private merchants. My firm belief is that, if this course had been taken, the Company must, in a very few years, have abandoned the trade, or the trade would have ruined the Company. It was not, however, solely or principally by regard for the interest of the Company, or of English merchants generally, that the government was guided on this occasion. The course which appeared to us the most likely to promote the interests of our Eastern empire was to make the proprietors of India stock creditors of the Indian territory. Their interest will thus be in a great measure the same with the interest of the people whom they are to rule. Their income will depend on the revenues of their empire. The revenues of their empire will depend on the manner in which the affairs of that empire are administered. We furnish them with the strongest motives to watch over the interests of the cultivator and the trader, to maintain peace, to carry on with vigor the work of retrenchment, to detect and punish extortion and corruption. Though they live at a distance from India, though few of them have ever seen or may ever see the people whom they rule, they will have a great stake in the happiness of their subjects. If their misgovernment should produce disorder in the finances, they will themselves feel the effects of that disorder in their own household expenses. I believe this to be, next to a representative constitution, the constitution which is the best security for good government. A representative constitution India cannot at present have. And we have

therefore, I think, given her the best constitution of which she is capable.

One word as to the new arrangement which we propose with respect to the patronage. It is intended to introduce the principle of competition in the disposal of writerships; and from this change I cannot but anticipate the happiest results. The civil servants of the Company are undoubtedly a highly respectable body of men; and in that body, as in every large body, there are some persons of very eminent ability. I rejoice most cordially to see this. I rejoice to see that the standard of morality is so high in England, that intelligence is so generally diffused through England, that young persons who are taken from the mass of society, by favor and not by merit, and who are therefore only fair samples of the mass, should, when placed in situations of high importance, be so seldom found wanting. But it is not the less true that India is entitled to the service of the best talents which England can spare. That the average of intelligence and virtue is very high in this country is matter for honest exultation. But it is no reason for employing average men where you can obtain superior men. Consider, too, Sir, how rapidly the public mind of India is advancing, how much attention is already paid by the higher classes of the natives to those intellectual pursuits on the cultivation of which the superiority of the European race to the rest of mankind principally depends. Surely, in such circumstances, from motives of selfish policy, if from no higher motive, we ought to fill the magistracies of our Eastern empire with men who may do honor to their country, with men who may represent the best part of the English nation. This, Sir, is our object; and we believe that by the plan which is now proposed this object will be attained. It is proposed that for every vacancy in the civil service four candidates shall be named, and the best candidate selected by examination. We conceive that, under this system,

the persons sent out will be young men above par, young men superior either in talents or in diligence to the mass. It is said, I know, that examinations in Latin, in Greek, and in mathematics, are no tests of what men will prove to be in life. I am perfectly aware that they are not infallible tests: but that they are tests I confidently maintain. Look at every walk of life, at this House, at the other House, at the Bar, at the Bench, at the Church, and see whether it be not true that those who attain high distinction in the world were generally men who were distinguished in their academic career. Indeed, Sir, this objection would prove far too much even for those who use it. It would prove that there is no use at all in education. Why should we put boys out of their way? Why should we force a lad, who would much rather fly a kite or trundle a hoop, to learn his Latin Grammar? Why should we keep a young man to his Thucydides or his Laplace, when he would much rather be shooting? Education would be mere useless torture, if, at two or three and twenty, a man who had neglected his studies were exactly on a par with a man who had applied himself to them, exactly as likely to perform all the offices of public life with credit to himself and with advantage to society. Whether the English system of education be good or bad is not now the question. Perhaps I may think that too much time is given to the ancient languages and to the abstract sciences. But what then? Whatever be the languages, whatever be the sciences, which it is, in any age or country, the fashion to teach, the persons who become the greatest proficient in those languages and those sciences will generally be the flower of the youth, the most acute, the most industrious, the most ambitious of honorable distinctions. If the Ptolemaic system were taught at Cambridge instead of the Newtonian, the senior wrangler would nevertheless be in general a superior man to the wooden spoon. If, instead of learning Greek, we learned the Cherokee, the

man who understood the Cherokee best, who made the most correct and melodious Cherokee verses, who comprehended most accurately the effect of the Cherokee particles, would generally be a superior man to him who was destitute of these accomplishments. If astrology were taught at our Universities, the young man who cast nativities best would generally turn out a superior man. If alchemy were taught, the young man who showed most activity in the pursuit of the philosopher's stone would generally turn out a superior man.

I will only add one other observation on this subject. Although I am inclined to think that too exclusive an attention is paid in the education of young English gentlemen to the dead languages, I conceive that when you are choosing men to fill situations for which the very first and most indispensable qualification is familiarity with foreign languages, it would be difficult to find a better test of their fitness than their classical acquirements.

Some persons have expressed doubts as to the possibility of procuring fair examinations. I am quite sure that no person who has been either at Cambridge or at Oxford can entertain such doubts. I feel, indeed, that I ought to apologize for even noticing an objection so frivolous.

Next to the opening of the China trade, Sir, the change most eagerly demanded by the English people was, that the restrictions on the admission of Europeans to India should be removed. In this change there are undoubtedly very great advantages. The chief advantage is, I think, the improvement which the minds of our native subjects may be expected to derive from free intercourse with a people far advanced beyond themselves in intellectual cultivation. I cannot deny, however, that the advantages are attended with some danger.

The danger is that the newcomers, belonging to the ruling nation, resembling in color, in language, in manners, those who hold supreme military and political

power, and differing in all these respects from the great mass of the population, may consider themselves as a superior class, and may trample on the indigenous race. Hitherto there have been strong restraints on Europeans resident in India. Licenses were not easily obtained. Those residents who were in the service of the Company had obvious motives for conducting themselves with propriety. If they incurred the serious displeasure of the government, their hopes of promotion were blighted. Even those who were not in the public service were subject to the formidable power which the government possessed of banishing them at its pleasure.

The license of the government will now no longer be necessary to persons who desire to reside in the settled provinces of India. The power of arbitrary deportation is withdrawn. Unless, therefore, we mean to leave the natives exposed to the tyranny and insolence of every profligate adventurer who may visit the East, we must place the European under the same power which legislates for the Hindoo. No man loves political freedom more than I. But a privilege enjoyed by a few individuals, in the midst of a vast population who do not enjoy it, ought not to be called freedom. It is tyranny. In the West Indies I have not the least doubt that the existence of the Trial by Jury and of Legislative Assemblies has tended to make the condition of the slaves worse than it would otherwise have been. Or, to go to India itself for an instance, though I fully believe that a mild penal code is better than a severe penal code, the worst of all systems was surely that of having a mild code for the Brahmins, who sprang from the head of the Creator, while there was a severe code for the Sudras, who sprang from his feet. India has suffered enough already from the distinction of castes, and from the deeply rooted prejudices which that distinction has engendered. God forbid that we should inflict on her the curse of a new caste, that we should send her a new breed of Brah-

mins, authorized to treat all the native population as Parias!

With a view to the prevention of this evil, we propose to give to the supreme government the power of legislating for Europeans as well as for natives. We propose that the regulations of the government shall bind the King's Court as they bind all other courts, and that registration by the Judges of the King's Courts shall no longer be necessary to give validity to those regulations within the towns of Calcutta, Madras, and Bombay.

I could scarcely, Sir, believe my ears when I heard this part of our plan condemned in another place. I should have thought that it would have been received with peculiar favor in that quarter where it has met with the most severe condemnation. What, at present, is the case? If the Supreme Court and the government differ on a question of jurisdiction, or on a question of legislation within the towns which are the seats of government, there is absolutely no umpire but the Imperial Parliament. The device of putting one wild elephant between two tame elephants was ingenious; but it may not always be practicable. Suppose a tame elephant between two wild elephants, or suppose that the whole herd should run wild together. The thing is not without example. And is it not most unjust and ridiculous that, on one side of a ditch, the edict of the Governor General should have the force of law, and that on the other side it should be of no effect unless registered by the Judges of the Supreme Court? If the registration be a security for good legislation, we are bound to give that security to all classes of our subjects. If the registration be not a security for good legislation, why give it to any? Is the system good? Extend it. Is it bad? Abolish it. But in the name of common sense do not leave it as it is. It is as absurd as our old law of sanctuary. The law which authorizes imprisonment for debt may be good or bad. But no man in his senses can approve of the an-

cient system under which a debtor who might be arrested in Fleet Street was safe as soon as he had scampered into Whitefriars. Just in the same way, doubts may fairly be entertained about the expediency of allowing four or five persons to make laws for India; but to allow them to make laws for all India without the Mahratta ditch, and to except Calcutta, is the height of absurdity.

I say, therefore, that either you must enlarge the power of the Supreme Court, and give it a general veto on laws, or you must enlarge the power of the government, and make its regulations binding on all courts without distinction. The former course no person has ventured to propose. To the latter course objections have been made; but objections which to me, I must own, seem altogether frivolous.

It is acknowledged that of late years inconvenience has arisen from the relation in which the Supreme Court stands to the government. But, it is said, that court was originally instituted for the protection of natives against Europeans. The wise course would therefore be to restore its original character.

Now, Sir, the fact is, that the Supreme Court has never been so mischievous as during the first ten years of its power, or so respectable as it has lately been. Everybody who knows anything of its early history knows, that, during a considerable time, it was the terror of Bengal, the scourge of the native population, the screen of European delinquents, a convenient tool of the government for all purposes of evil, an insurmountable obstacle to the government in all undertakings for the public good; that its proceedings were made up of pedantry, cruelty, and corruption; that its disputes with the government were at one time on the point of breaking up the whole fabric of society; and that a convulsion was averted only by the dexterous policy of Warren Hastings, who at last bought off the opposition of the Chief Justice for eight thousand pounds a year. It is

notorious that, while the Supreme Court opposed Hastings in all his best measures, it was a thoroughgoing accomplice in his worst; that it took part in the most scandalous of those proceedings which, fifty years ago, roused the indignation of Parliament and of the country; that it assisted in the spoliation of the princesses of Oude; that it passed sentence of death on Nuncomar. And this is the Court which we are to restore from its present state of degeneracy to its original purity. This is the protection which we are to give to the natives against the Europeans. Sir, so far is it from being true that the character of the Supreme Court has deteriorated, that it has, perhaps, improved more than any other institution in India. But the evil lies deep in the nature of the institution itself. The Judges have in our time deserved the greatest respect. Their judgment and integrity have done much to mitigate the vices of the system. The worst charge that can be brought against any of them is that of pertinacity, disinterested, conscientious pertinacity, in error. The real evil is the state of the law. You have two supreme powers in India. There is no arbitrator except a legislature fifteen thousand miles off. Such a system is on the face of it an absurdity in politics. My wonder is, not that this system has several times been on the point of producing fatal consequences to the peace and resources of India, — those, I think, are the words in which Warren Hastings described the effect of the contest between his government and the Judges, — but that it has not actually produced such consequences. The most distinguished members of the Indian government, the most distinguished Judges of the Supreme Court, call upon you to reform this system. Sir Charles Metcalfe, Sir Charles Grey, represent with equal urgency the expediency of having one single paramount council armed with legislative power. The admission of Europeans to India renders it absolutely necessary not to delay our decision. The effect of that admission would be

to raise a hundred questions, to produce a hundred contests between the council and the judicature. The government would be paralyzed at the precise moment at which all its energy was required. While the two equal powers were acting in opposite directions, the whole machine of the state would stand still. The Europeans would be uncontrolled. The natives would be unprotected. The consequences I will not pretend to foresee. Everything beyond is darkness and confusion.

Having given to the government supreme legislative power, we next propose to give to it for a time the assistance of a Commission for the purpose of digesting and reforming the laws of India, so that those laws may, as soon as possible, be formed into a code. Gentlemen of whom I wish to speak with the highest respect have expressed a doubt whether India be at present in a fit state to receive a benefit which is not yet enjoyed by this free and highly civilized country. Sir, I can allow to this argument very little weight beyond that which it derives from the personal authority of those who use it. For, in the first place, our freedom and our high civilization make this improvement, desirable as it must always be, less indispensably necessary to us than to our Indian subjects; and in the next place our freedom and civilization, I fear, make it far more difficult for us to obtain this benefit for ourselves than to bestow it on them.

I believe that no country ever stood so much in need of a code of laws as India; and I believe also that there never was a country in which the want might so easily be supplied. I said that there were many points of analogy between the state of that country after the fall of the Mogul power and the state of Europe after the fall of the Roman empire. In one respect the analogy is very striking. As there were in Europe then, so there are in India now, several systems of law widely differing from each other, but coexisting and coequal. The indigenous population has its own laws. Each of the successive

racés of conquerors has brought with it its own peculiar jurisprudence: the Mussulman his Koran and the innumerable commentators on the Koran; the Englishman his Statute Book and his Term Reports. As there were established in Italy, at one and the same time, the Roman law, the Lombard law, the Ripuarian law, the Bavarian law, and the Salic law, so we have now in our Eastern empire Hindoo law, Mahometan law, Parsee law, English law, perpetually mingling with each other and disturbing each other, varying with the person, varying with the place. In one and the same cause the process and pleadings are in the fashion of one nation, the judgment is according to the laws of another. An issue is evolved according to the rules of Westminster, and decided according to those of Benares. The only Mahometan book in the nature of a code is the Koran; the only Hindoo book the Institutes. Everybody who knows those books knows that they provide for a very small part of the cases which must arise in every community. All beyond them is comment and tradition. Our regulations in civil matters do not define rights, but merely establish remedies. If a point of Hindoo law arises, the Judge calls on the Pundit for an opinion. If a point of Mahometan law arises, the Judge applies to the Cauzee. What the integrity of these functionaries is, we may learn from Sir William Jones. That eminent man declared that he could not answer it to his conscience to decide any point of law on the faith of a Hindoo expositor. Sir Thomas Strange confirms this declaration. Even if there were no suspicion of corruption on the part of the interpreters of the law, the science which they profess is in such a state of confusion that no reliance can be placed on their answers. Sir Francis Macnaghten tells us, that it is a delusion to fancy that there is any known and fixed law under which the Hindoo people live; that texts may be produced on any side of any question; that expositors equal in authority perpetually con-

tradict each other; that the obsolete law is perpetually confounded with the law actually in force, and that the first lesson to be impressed on a functionary who has to administer Hindoo law is that it is vain to think of extracting certainty from the books of the jurist. The consequence is that in practice the decisions of the tribunals are altogether arbitrary. What is administered is not law, but a kind of rude and capricious equity. I asked an able and excellent judge lately returned from India how one of our Zillah Courts would decide several legal questions of great importance, questions not involving considerations of religion or of caste, mere questions of commercial law. He told me, that it was a mere lottery. He knew how he should himself decide them. But he knew nothing more. I asked a most distinguished civil servant of the Company, with reference to the clause in this Bill on the subject of slavery, whether at present, if a dancing girl ran away from her master, the judge would force her to go back. "Some judges," he said, "send a girl back. Others set her at liberty. The whole is a mere matter of chance. Everything depends on the temper of the individual judge."

Even in this country, we have had complaints of judge-made law; even in this country, where the standard of morality is higher than in almost any other part of the world; where, during several generations, not one depository of our legal traditions has incurred the suspicion of personal corruption; where there are popular institutions; where every decision is watched by a shrewd and learned audience; where there is an intelligent and observant public; where every remarkable case is fully reported in a hundred newspapers; where, in short, there is everything which can mitigate the evils of such a system. But judge-made law, where there is an absolute government and a lax morality, where there is no bar and no public, is a curse and a scandal not to be endured. It is time that the magistrate should know what law he

is to administer, that the subject should know under what law he is to live. We do not mean that all the people of India should live under the same law: far from it: there is not a word in the bill, there was not a word in my right honorable friend's speech, susceptible of such an interpretation. We know how desirable that object is; but we also know that it is unattainable. We know that respect must be paid to feelings generated by differences of religion, of nation, and of caste. Much, I am persuaded, may be done to assimilate the different systems of law without wounding those feelings. But, whether we assimilate those systems or not, let us ascertain them; let us digest them. We propose no rash innovation; we wish to give no shock to the prejudices of any part of our subjects. Our principle is simply this: uniformity where you can have it; diversity where you must have it; but in all cases certainty.

As I believe that India stands more in need of a code than any other country in the world, I believe also that there is no country on which that great benefit can more easily be conferred. A code is almost the only blessing, perhaps it is the only blessing, which absolute governments are better fitted to confer on a nation than popular governments. The work of digesting a vast and artificial system of unwritten jurisprudence is far more easily performed, and far better performed, by few minds than by many, by a Napoleon than by a Chamber of Deputies and a Chamber of Peers, by a government like that of Prussia or Denmark than by a government like that of England. A quiet knot of two or three veteran jurists is an infinitely better machinery for such a purpose than a large popular assembly divided, as such assemblies almost always are, into adverse factions. This seems to me, therefore, to be precisely that point of time at which the advantage of a complete written code of laws may most easily be conferred on India. It is a work which cannot be well performed in an age of barbarism, which

cannot without great difficulty be performed in an age of freedom. It is a work which especially belongs to a government like that of India, to an enlightened and paternal despotism.

I have detained the House so long, Sir, that I will defer what I had to say on some parts of this measure, important parts, indeed, but far less important, as I think, than those to which I have adverted, till we are in Committee. There is, however, one part of the bill on which, after what has recently passed elsewhere, I feel myself irresistibly impelled to say a few words. I allude to that wise, that benevolent, that noble clause, which enacts that no native of our Indian empire shall, by reason of his color, his descent, or his religion, be incapable of holding office. At the risk of being called by that nickname which is regarded as the most opprobrious of all nicknames by men of selfish hearts and contracted minds, at the risk of being called a philosopher, I must say that, to the last day of my life, I shall be proud of having been one of those who assisted in the framing of the bill which contains that clause. We are told that the time can never come when the natives of India can be admitted to high civil and military office. We are told that this is the condition on which we hold our power. We are told, that we are bound to confer on our subjects every benefit—which they are capable of enjoying?—no;—which it is in our power to confer on them?—no;—but which we can confer on them without hazard to the perpetuity of our own domination. Against that proposition I solemnly protest as inconsistent alike with sound policy and sound morality.

I am far, very far, from wishing to proceed hastily in this most delicate matter. I feel that, for the good of India itself, the admission of natives to high office must be effected by slow degrees. But that, when the fulness of time is come, when the interest of India requires the change, we ought to refuse to make that change lest we

should endanger our own power, this is a doctrine of which I cannot think without indignation. Governments, like men, may buy existence too dear. "Propter vitam vivendi perdere causas," is a despicable policy both in individuals and in states. In the present case, such a policy would be not only despicable, but absurd. The mere extent of empire is not necessarily an advantage. To many governments it has been cumbersome; to some it has been fatal. It will be allowed by every statesman of our time that the prosperity of a community is made up of the prosperity of those who compose the community, and that it is the most childish ambition to covet dominion which adds to no man's comfort or security. To the great trading nation, to the great manufacturing nation, no progress which any portion of the human race can make in knowledge, in taste for the conveniences of life, or in the wealth by which those conveniences are produced, can be matter of indifference. It is scarcely possible to calculate the benefits which we might derive from the diffusion of European civilization among the vast population of the East. It would be, on the most selfish view of the case, far better for us that the people of India were well governed and independent of us, than ill governed and subject to us; that they were ruled by their own kings, but wearing our broadcloth, and working with our cutlery, than that they were performing their salaams to English collectors and English magistrates, but were too ignorant to value, or too poor to buy, English manufactures. To trade with civilized men is infinitely more profitable than to govern savages. That would, indeed, be a doting wisdom, which, in order that India might remain a dependency, would make it an useless and costly dependency, which would keep a hundred millions of men from being our customers in order that they might continue to be our slaves.

It was, as Bernier tells us, the practice of the miserable tyrants whom he found in India, when they dreaded

the capacity and spirit of some distinguished subject, and yet could not venture to murder him, to administer to him a daily dose of the poushta, a preparation of opium, the effect of which was in a few months to destroy all the bodily and mental powers of the wretch who was drugged with it, and to turn him into a helpless idiot. The detestable artifice, more horrible than assassination itself, was worthy of those who employed it. It is no model for the English nation. We shall never consent to administer the poushta to a whole community, to stupefy and paralyze a great people whom God has committed to our charge, for the wretched purpose of rendering them more amenable to our control. What is power worth if it is founded on vice, on ignorance, and on misery; if we can hold it only by violating the most sacred duties which as governors we owe to the governed, and which, as a people blessed with far more than an ordinary measure of political liberty and of intellectual light, we owe to a race debased by three thousand years of despotism and priestcraft? We are free, we are civilized, to little purpose, if we grudge to any portion of the human race an equal measure of freedom and civilization.

Are we to keep the people of India ignorant in order that we may keep them submissive? Or do we think that we can give them knowledge without awakening ambition? Or do we mean to awaken ambition and to provide it with no legitimate vent? Who will answer any of these questions in the affirmative? Yet one of them must be answered in the affirmative, by every person who maintains that we ought permanently to exclude the natives from high office. I have no fears. The path of duty is plain before us: and it is also the path of wisdom, of national prosperity, of national honor.

The destinies of our Indian empire are covered with thick darkness. It is difficult to form any conjecture as to the fate reserved for a state which resembles no other in history, and which forms by itself a separate class of

political phenomena. The laws which regulate its growth and its decay are still unknown to us. It may be that the public mind of India may expand under our system till it has outgrown that system; that by good government we may educate our subjects into a capacity for better government; that, having become instructed in European knowledge, they may, in some future age, demand European institutions. Whether such a day will ever come I know not. But never will I attempt to avert or to retard it. Whenever it comes, it will be the proudest day in English history. To have found a great people sunk in the lowest depths of slavery and superstition, to have so ruled them as to have made them desirous and capable of all the privileges of citizens, would indeed be a title to glory all our own. The sceptre may pass away from us. Unforeseen accidents may derange our most profound schemes of policy. Victory may be inconstant to our arms. But there are triumphs which are followed by no reverse. There is an empire exempt from all natural causes of decay. Those triumphs are the pacific triumphs of reason over barbarism; that empire is the imperishable empire of our arts and our morals, our literature and our laws.

THE EDINBURGH ELECTION OF 1839

EDINBURGH, MAY 29, 1839

The elevation of Mr. Abercromby to the peerage in May, 1839, caused a vacancy in the representation of the city of Edinburgh. A meeting of the electors was called to consider of the manner in which the vacancy should be supplied. At this meeting the following Speech was made.

MY LORD PROVOST AND GENTLEMEN, —

At the request of a very large and respectable portion of your body, I appear before you as a candidate for a high and solemn trust, which, uninvited, I should have thought it presumption to solicit, but which, thus invited, I should think it cowardice to decline. If I had felt myself justified in following my own inclinations, I am not sure that even a summons so honorable as that which I have received would have been sufficient to draw me away from pursuits far better suited to my taste and temper than the turmoil of political warfare. But I feel that my lot is cast in times in which no man is free to judge, merely according to his own taste and temper, whether he will devote himself to active or to contemplative life; in times in which society has a right to demand, from every one of its members, active and strenuous exertions. I have, therefore, obeyed your call; and I now present myself before you for the purpose of offering to you, not, what I am sure you would reject with disdain, flattery, degrading alike to a candidate, and to a constituent body; but such reasonable, candid, and manly explanations as become the mouth of a free man ambitious of the confidence of a free people.

It is hardly necessary for me to say that I stand here unconnected with this great community. It would be mere affectation not to acknowledge that with respect to local questions I have much to learn; but I hope that you will find in me no sluggish or inattentive learner. From an early age I have felt a strong interest in Edinburgh, although attached to Edinburgh by no other ties than those which are common to me with multitudes; that tie which attaches every man of Scottish blood to the ancient and renowned capital of our race; that tie which attaches every student of history to the spot ennobled by so many great and memorable events; that tie which attaches every traveller of taste to the most beautiful of British cities; and that tie which attaches every lover of literature to a place which, since it has ceased to be the seat of empire, has derived from poetry, philosophy, and eloquence a far higher distinction than empire can bestow. If to those ties it shall now be your pleasure to add a tie still closer and more peculiar, I can only assure you that it shall be the study of my life so to conduct myself in these our troubled times that you may have no reason to be ashamed of your choice.

Those gentlemen who invited me to appear as a candidate before you were doubtless acquainted with the part which I took in public affairs during the three first Parliaments of the late King. Circumstances have since that time undergone great alteration; but no alteration has taken place in my principles. I do not mean to say that thought, discussion, and the new phenomena produced by the operation of a new representative system have not led me to modify some of my views on questions of detail; but, with respect to the fundamental principles of government, my opinions are still what they were when, in 1831 and 1832, I took part, according to the measure of my abilities, in that great pacific victory which purified the representative system of England, and which first gave a real representative system to Scotland.

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Even at that time, Gentlemen, the leaning of my mind was in favor of one measure to which the illustrious leader of the Whig party, whose name ought never to be mentioned without gratitude and reverence in any assembly of British electors, I mean Earl Grey, was understood to entertain strong objections, and to which his Cabinet, as a Cabinet, was invariably opposed. I speak of the vote by ballot. All that has passed since that time confirms me in the view which I was then inclined to take of that important question. At the same time I do not think that all the advantages are on one side and all the disadvantages on the other. I must admit that the effect of the practice of secret voting would be to withdraw the voter from the operation of some salutary and honorable, as well as of some pernicious and degrading motives. But seeing, as I cannot help seeing, that the practice of intimidation, instead of diminishing, is gaining ground, I am compelled to consider whether the time has not arrived when we are bound to apply what seems the only efficient remedy. And I am compelled to consider whether, in doing so, I am not strictly following the principles of the Reform Bill to the legitimate conclusions. For surely those who supported the Reform Bill intended to give the people of Britain a reality, not a delusion; to destroy nomination, and not to make an outward show of destroying it; to bestow the franchise, and not the name of the franchise; and least of all, to give suffering and humiliation under the name of the franchise. If men are to be returned to Parliament, not by popular election, but by nomination, then I say without hesitation that the ancient system was much the best. Both systems alike sent men to Parliament who were not freely chosen by independent constituent bodies: but under the old system that there was little or no need of intimidation, while, under the new system, we have the misery and disgrace produced by intimidation added to the process. If, therefore, we are to have nomination,

I prefer the nomination which used to take place at Old Sarum to the nomination which now takes place at Newark. In both cases you have members returned at the will of one landed proprietor: but at Newark you have two hundred ejections into the bargain, to say nothing of the mortification and remorse endured by all those who, though they were not ejected, yet voted against their consciences from fear of ejection.

There is perhaps no point on which good men of all parties are more completely agreed than on the necessity of restraining and punishing corruption in the election of Members of Parliament. The evils of corruption are doubtless very great; but it appears to me that those evils which are attributed to corruption may, with equal justice, be attributed to intimidation, and that intimidation produces also some monstrous evils with which corruption cannot be reproached. In both cases alike the elector commits a breach of trust. In both cases alike he employs for his own advantage an important power which was confided to him, that it might be used, to the best of his judgment, for the general good of the community. Thus far corruption and intimidation operate in the same manner. But there is this difference betwixt the two systems: corruption operates by giving pleasure, intimidation by giving pain. To give a poor man five pounds causes no pain; on the contrary it produces pleasure. It is in itself no bad act; indeed, if the five pounds were given on another occasion, and without a corrupt object, it might pass for a benevolent act. But to tell a man that you will reduce him to a situation in which he will miss his former comforts, and in which his family will be forced to beg their bread, is a cruel act. Corruption has a sort of illegitimate relationship to benevolence, and engenders some feelings of a cordial and friendly nature. There is a notion of charity connected with the distribution of the money of the rich among the needy, even in a corrupt manner. The comic

writer who tells us that the whole system of corruption is to be considered as a commerce of generosity on one side and of gratitude on the other, has rather exaggerated than misrepresented what really takes place in many of these English constituent bodies where money is lavished to conciliate the favor and obtain the suffrages of the people. But in intimidation the whole process is an odious one. The whole feeling on the part of the elector is that of shame, degradation, and hatred of the person to whom he has given his vote. The elector is indeed placed in a worse situation than if he had no vote at all; for there is not one of us who would not rather be without a vote than be compelled to give it to the person whom he dislikes above all others.

Thinking, therefore, that the practice of intimidation has all the evils which are to be found in corruption, and that it has other evils which are not to be found in corruption, I was naturally led to consider whether it was possible to prevent it by any process similar to that by which corruption is restrained. Corruption, you all know, is the subject of penal laws. If it is brought home to the parties, they are liable to severe punishment. Although it is not often that it can be brought home, yet there are instances. I remember several men of large property confined in Newgate for corruption. Penalties have been awarded against offenders to the amount of five hundred pounds. Many members of Parliament have been unseated on account of the malpractices of their agents. But you cannot, I am afraid, repress intimidation by penal laws. Such laws would infringe the most sacred rights of property. How can I require a man to deal with tradesmen who have voted against him, or to renew the leases of tenants who have voted against him? What is it that the Jew says in the play?

"I'll not answer that,
But say it is my humour."

Or, as a Christian of our own time has expressed himself, "I have a right to do what I will with my own." There is a great deal of weight in the reasoning of Shylock and the Duke of Newcastle. There would be an end of the right of property if you were to interdict a landlord from ejecting a tenant, if you were to force a gentleman to employ a particular butcher, and to take as much beef this year as last year. The principle of the right of property is that a man is not only to be allowed to dispose of his wealth rationally and usefully, but to be allowed to indulge his passions and caprices, to employ whatever tradesmen and laborers he chooses, and to let, or refuse to let, his land according to his own pleasure, without giving any reason or asking anybody's leave. I remember that, on one of the first evenings on which I sat in the House of Commons, Mr. Poulett Thompson proposed a censure on the Duke of Newcastle for His Grace's conduct towards the electors of Newark. Sir Robert Peel opposed the motion, not only with considerable ability, but with really unanswerable reasons. He asked if it was meant that a tenant who voted against his landlord was to keep his lease forever. If so, tenants would vote against a landlord to secure themselves, as they now vote with a landlord to secure themselves. I thought, and think, this argument unanswerable; but, then, it is unanswerable in favor of the ballot; for, if it be impossible to deal with intimidation by punishment, you are bound to consider whether there be any means of prevention; and the only mode of prevention that has ever been suggested is the ballot. That the ballot has disadvantages to be set off against its advantages, I admit; but it appears to me that we have only a choice of evils, and that the evils for which the ballot is a specific remedy are greater than any which the ballot is likely to produce. Observe with what exquisite accuracy the ballot draws the line of distinction between the power which we ought to give to the proprietor and the power

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which we ought not to give him. It leaves the proprietor the absolute power to do what he will with his own. Nobody calls upon him to say why he ejected this tenant, or took away his custom from that tradesman. It leaves him at liberty to follow his own tastes, to follow his strangest whims. The only thing which it puts beyond his power is the vote of the tenant, the vote of the tradesman, which it is our duty to protect. I ought at the same time to say, that there is one objection to the ballot of a very serious nature, but which I think may, nevertheless, be obviated. It is quite clear that, if the ballot shall be adopted, there will be no remedy for an undue return by a subsequent scrutiny. Unless, therefore, the registration of votes can be counted on as correct, the ballot will undoubtedly lead to great inconvenience. It seems, therefore, that a careful revision of the whole system of registration, and an improvement of the tribunal before which the rights of the electors are to be established, should be an inseparable part of any measure by which the ballot is to be introduced.

As to those evils which we have been considering, they are evils which are practically felt; they are evils which press hard upon a large portion of the constituent body; and it is not therefore strange, that the cry for a remedy should be loud and urgent. But there is another subject, respecting which I am told that many among you are anxious, a subject of a very different description. I allude to the duration of Parliaments.

It must be admitted that for some years past we have had little reason to complain of the length of Parliaments. Since the year 1830 we have had five general elections; two occasioned by the deaths of two sovereigns, and three by political conjunctures. As to the present Parliament, I do not think that, whatever opinion gentlemen may entertain of the conduct of that body, they will impute its faults to any confidence which the members have that they are to sit for seven years; for I very much

question whether there be one gentleman in the House of Commons who thinks, or has ever thought, that his seat is worth three years' purchase. When, therefore, we discuss this question, we must remember that we are discussing a question not immediately pressing. I freely admit, however, that this is no reason for not fairly considering the subject; for it is the part of wise men to provide against evils which, though not actually felt, may be reasonably apprehended. It seems to me that here, as in the case of the ballot, there are serious considerations to be urged on both sides. The objections to long Parliaments are perfectly obvious. The truth is that, in very long Parliaments, you have no representation at all. The mind of the people goes on changing; and the Parliament, remaining unchanged, ceases to reflect the opinion of the constituent bodies. In the old times before the Revolution, a Parliament might sit during the life of the monarch. Parliaments were then sometimes of eighteen or twenty years' duration. Thus the Parliament called by Charles the Second soon after his return from exile, and elected when the nation was drunk with hope and convulsed by a hysterical paroxysm of loyalty, continued to sit long after two thirds of those who had heartily welcomed the King back from Holland as heartily wished him in Holland again. Since the Revolution we have not felt that evil to the same extent; but it must be admitted that the term of seven years is too long. There are, however, other considerations to set off against this. There are two very serious evils connected with every general election: the first is, the violent political excitement; the second is, the ruinous expense. Both these evils were very greatly diminished by the Reform Act. Formerly, these were things which you in Scotland knew nothing about; but in England the injury to the peace and morals of society resulting from a general election was incalculable. During a fifteen days' poll in a town of one hundred thousand inhabitants,

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money was flowing in all directions; the streets were running with beer; all business was suspended; and there was nothing but disturbance and riot, and slander, and calumny, and quarrels, which left in the bosoms of private families heartburnings such as were not extinguished in the course of many years. By limiting the duration of the poll, the Reform Act has conferred as great a blessing on the country, — and that is saying a bold word, — as by any other provision which it contains. Still, it is not to be denied that there are evils inseparable from that state of political excitement into which every community is thrown by the preparations for an election. A still greater evil is the expense. That evil, too, has been diminished by the operation of the Reform Act; but it still exists to a considerable extent. We do not now, indeed, hear of such elections as that of Yorkshire in 1807, or that of Northumberland in 1827. We do not hear of elections that cost two hundred thousand pounds. But that the tenth part of that sum, nay, that the hundredth part of that sum should be expended in a contest, is a great evil. Do not imagine, Gentlemen, that all this evil falls on the candidates. It is on you that the evil falls. The effect must necessarily be to limit you in your choice of able men to serve you. The number of men who can advance fifty thousand pounds is necessarily much smaller than the number of men who can advance five thousand pounds; the number of these again is much smaller than the number of those who can advance five hundred pounds; and the number of men who can advance five hundred pounds every three years is necessarily smaller than the number of those who can advance five hundred pounds every seven years. Therefore, it seems to me that the question is one of comparison. In long Parliaments the representative character is in some measure effaced. On the other side, if you have short Parliaments, your choice of men will be limited. Now, in all questions of this sort, it is the part of

wisdom to weigh, not indeed with minute accuracy, — for questions of civil prudence cannot be subjected to an arithmetical test, — but to weigh the advantages and disadvantages carefully, and then to strike the balance. Gentlemen will probably judge according to their habits of mind, and according to their opportunities of observation. Those who have seen much of the evils of elections will probably incline to long Parliaments; those who have seen little or nothing of these evils will probably incline to a short term. Only observe this, that, whatever may be the legal term, it ought to be a year longer than that for which Parliaments ought ordinarily to sit. For there must be a general election at the end of the legal term, let the state of the country be what it may. There may be riot; there may be revolution; there may be famine in the country; and yet if the Minister wait to the end of the legal term, the writs must go out. A wise Minister will, therefore, always dissolve the Parliament a year before the end of the legal term, if the country be then in a quiet state. It has now been long the practice not to keep a Parliament more than six years. Thus the Parliament which was elected in 1784 sat till 1790, six years; the Parliament of 1790 till 1796, the Parliament of 1796 to 1802, the Parliament of 1812 to 1818, and the Parliament of 1820 till 1826. If, therefore, you wish the duration of Parliaments to be shortened to three years, the proper course would be to fix the legal term at four years; and if you wish them to sit for four years, the proper course would be to fix the legal term at five years. My own inclination would be to fix the legal term at five years, and thus to have a Parliament practically every four years. I ought to add that, whenever any shortening of Parliaments takes place, we ought to alter that rule which requires that Parliament shall be dissolved as often as a demise of the Crown takes place. It is a rule for which no statesmanlike reason can be given; it is a mere technical rule; and it has already

been so much relaxed that, even considered as a technical rule, it is absurd.

I come now to another subject, of the highest and gravest importance: I mean the elective franchise; and I acknowledge that I am doubtful whether my opinions on this subject may be so pleasing to many here present as, if I may judge from your expressions, my sentiments on other subjects have been. I shall express my opinions, however, on this subject as frankly as I have expressed them when they may have been more pleasing. I shall express them with the frankness of a man who is more desirous to gain your esteem than to gain your votes. I am for the original principle of the Reform Bill. I think that principle excellent; and I am sorry that we ever deviated from it. There were two deviations to which I was strongly opposed, and to which the authors of the bill, hard pressed by their opponents and feebly supported by their friends, very unwillingly consented. One was the admission of the freemen to vote in towns: the other was the admission of the fifty-pound tenants at will to vote in counties. At the same time I must say that I despair of being able to apply a direct remedy to either of these evils. The ballot might perhaps be an indirect remedy for the latter. I think that the system of registration should be amended, that the clauses relating to the payment of rates should be altered, or altogether removed, and that the elective franchise should be extended to every ten-pound householder, whether he resides within or without the limits of a town. To this extent I am prepared to go; but I should not be dealing with the ingenuousness which you have a right to expect, if I did not tell you that I am not prepared to go farther. There are many other questions as to which you are entitled to know the opinions of your representative; but I shall only glance rapidly at the most important. I have ever been a most determined enemy to the slave trade, and to personal slavery under every form.

I have always been a friend to popular education. I have always been a friend to the right of free discussion. I have always been adverse to all restrictions on trade, and especially to those restrictions which affect the price of the necessaries of life. I have always been adverse to religious persecution, whether it takes the form of direct penal laws, or of civil disabilities.

Now, having said so much upon measures, I hope you will permit me to say something about men. If you send me as your representative to Parliament, I wish you to understand that I shall go there determined to support the present ministry. I shall do so not from any personal interest or feeling. I have certainly the happiness to have several kind and much valued friends among the members of the government; and there is one member of the government, the noble President of the Council, to whom I owe obligations which I shall always be proud to avow. That noble Lord, when I was utterly unknown in public life, and scarcely known even to himself, placed me in the House of Commons; and it is due to him to say that he never in the least interfered with the freedom of my parliamentary conduct. I have since represented a great constituent body, for whose confidence and kindness I can never be sufficiently grateful, I mean the populous borough of Leeds. I may possibly by your kindness be placed in the proud situation of representative of Edinburgh; but I never could and never can be a more independent Member of the House of Commons than when I sat there as the nominee of Lord Lansdowne. But, while I acknowledge my obligations to that noble person, while I avow the friendship which I feel for many of his colleagues, it is not on such grounds that I vindicate the support which it is my intention to give them. I have no right to sacrifice your interests to my personal or private feelings; my principles do not permit me to do so; nor do my friends expect that I should do so. The support which I propose to

give to the present Ministry I shall give on the following grounds. I believe the present Ministry to be by many degrees the best Ministry which, in the present state of the country, can be formed. I believe that we have only one choice. I believe that our choice is between a Ministry substantially, — for of course I do not speak of particular individuals, — between a Ministry substantially the same that we have, and a Ministry under the direction of the Duke of Wellington and Sir Robert Peel. I do not hesitate to pronounce that my choice is in favor of the former. Some gentleman appears to dissent from what I say. If I knew what his objections are, I would try to remove them. But it is impossible to answer inarticulate noises. Is the objection that the government is too conservative? Or is the objection that the government is too radical? If I understand rightly, the objection is that the government does not proceed vigorously enough in the work of Reform. To that objection, then, I will address myself. Now, I am far from denying that the Ministers have committed faults. But, at the same time, I make allowances for the difficulties with which they are contending; and, having made these allowances, I confidently say that, when I look back at the past, I think them entitled to praise, and that, looking forward to the future, I can pronounce with still more confidence that they are entitled to support.

It is a common error, and one which I have found among men, not only intelligent, but much conversant in public business, to think that in politics, legislation is everything and administration nothing. Nothing is more usual than to hear people say, "What! another session gone and nothing done; no new bills passed; the Irish Municipal Bill stopped in the House of Lords. How could we be worse off if the Tories were in?" My answer is that, if the Tories were in our legislation would be in as bad a state as at present, and we should have a

bad administration into the bargain. It seems strange to me that gentlemen should not be aware that it may be better to have unreformed laws administered in a reforming spirit, than reformed laws administered in a spirit hostile to all reform. We often hear the maxim, "Measures not men," and there is a sense in which it is an excellent maxim. Measures not men, certainly: that is, we are not to oppose Sir Robert Peel simply because he is Sir Robert Peel, or to support Lord John Russell simply because he is Lord John Russell. We are not to follow our political leaders in the way in which my honest Highland ancestors followed their chieftains. We are not to imitate that blind devotion which led all the Campbells to take the side of George the Second because the Duke of Argyle was a Whig, and all the Camerons to take the side of the Stuarts because Lochiel was a Jacobite. But if you mean that, while the laws remain the same, it is unimportant by whom they are administered, then I say that a doctrine more absurd was never uttered. Why, what are laws? They are mere words; they are a dead letter; till a living agent comes to put life into them. This is the case even in judicial matters. You can tie up the judges of the land much more closely than it would be right to tie up the Secretary for the Home Department or the Secretary for Foreign Affairs. Yet is it immaterial whether the laws be administered by Chief Justice Hale or Chief Justice Jeffreys? And can you doubt that the case is still stronger when you come to political questions? It would be perfectly easy, as many of you must be aware, to point out instances in which society has prospered under defective laws, well administered, and other instances in which society has been miserable under institutions that looked well on paper. But we need not go beyond our own country and our own times. Let us see what, within this island and in the present year, a good administration has done to mitigate bad laws. For example, let us take the law

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of libel. I hold the present state of our law of libel to be a scandal to a civilized community. Nothing more absurd can be found in the whole history of jurisprudence. How the law of libel was abused formerly, you all know. You all know how it was abused under the administrations of Lord North, of Mr. Pitt, of Mr. Perceval, of the Earl of Liverpool; and I am sorry to say that it was abused, most unjustifiably abused, by Lord Abinger, under the administration of the Duke of Wellington and Sir Robert Peel. Now, is there any person who will pretend to say that it has ever been abused by the government of Lord Melbourne? That government has enemies in abundance; it has been attacked by Tory malcontents and by Radical malcontents; but has any one of them ever had the effrontery to say that it has abused the power of filing *ex officio* informations for libel? Has this been from want of provocation? On the contrary, the present government has been libelled in a way in which no government was ever libelled before. Has the law been altered? Has it been modified? Not at all. We have exactly the same laws that we had when Mr. Perry was brought to trial for saying that George the Third was unpopular, Mr. Leigh Hunt for saying that George the Fourth was fat, and Sir Francis Burdett for expressing, not perhaps in the best taste, a natural and honest indignation at the slaughter which took place at Manchester in 1819. The law is precisely the same; but if it had been entirely remodelled, political writers could not have had more liberty than they have enjoyed since Lord Melbourne came into power.

I have given you an instance of the power of a good administration to mitigate a bad law. Now, see how necessary it is that there should be a good administration to carry a good law into effect. An excellent bill was brought into the House of Commons by Lord John Russell in 1828, and passed. To any other man than Lord John Russell the carrying of such a bill would have been

an enviable distinction indeed; but his name is identified with still greater reforms. It will, however, always be accounted one of his titles to public gratitude that he was the author of the law which repealed the Test Act. Well, a short time since, a noble peer, the Lord Lieutenant of the county of Nottingham, thought fit to re-enact the Test Act, so far as that county was concerned. I have already mentioned His Grace the Duke of Newcastle, and, to say truth, there is no life richer in illustrations of all forms and branches of misgovernment than his. His Grace very coolly informed Her Majesty's Ministers that he had not recommended a certain gentleman for the commission of the peace because the gentleman was a Dissenter. Now here is a law which admits Dissenters to offices; and a Tory nobleman takes it on himself to rescind that law. But happily we have Whig ministers. What did they do? Why, they put the Dissenter into the Commission; and they turned the Tory nobleman out of the Lieutenancy. Do you seriously imagine that under a Tory administration this would have been done? I have no wish to say anything disrespectful of the great Tory leaders. I shall always speak with respect of the great qualities and public services of the Duke of Wellington: I have no other feeling about him than one of pride that my country has produced so great a man; nor do I feel anything but respect and kindness for Sir Robert Peel, of whose abilities no person that has had to encounter him in debate will ever speak slightly. I do not imagine that those eminent men would have approved of the conduct of the Duke of Newcastle. I believe that the Duke of Wellington would as soon have thought of running away from the field of battle as of doing the same thing in Hampshire, where he is Lord Lieutenant. But do you believe that he would have turned the Duke of Newcastle out? I believe that he would not. As Mr. Pulteney, a great political leader, said a hundred years since, "The heads

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of parties are, like the heads of snakes, carried on by the tails." It would have been utterly impossible for the Tory Ministers to have discarded the powerful Tory Duke, unless they had at the same time resolved, like Mr. Canning in 1827, to throw themselves for support on the Whigs.

Now, I have given you these two instances to show that a change in the administration may produce all the effects of a change in the law. You see that to have a Tory government is virtually to reenact the Test Act, and that to have a Whig government is virtually to repeal the law of libel. And if this is the case in England and Scotland, where society is in a sound state, how much more must it be the case in the diseased part of the empire, in Ireland? Ask any man there, whatever may be his religion, whatever may be his politics, Churchman, Presbyterian, Roman Catholic, Repealer, Precursor, Orangeman, ask Mr. O'Connell, ask Colonel Conolly, whether it is a slight matter in whose hands the executive power is lodged. Every Irishman will tell you that it is a matter of life and death; that in fact more depends upon the men than upon the laws. It disgusts me, therefore, to hear men of liberal politics say, "What is the use of a Whig government? The Ministers can do nothing for the country. They have been four years at work on an Irish Municipal Bill, without being able to pass it through the Lords." Would any ten Acts of Parliament make such a difference to Ireland as the difference between having Lord Ebrington for Lord Lieutenant, with Lord Morpeth for Secretary, and having the Earl of Roden for Lord Lieutenant, with Mr. Lefroy for Secretary? Ask the popular Irish leaders whether they would like better to remain as they are, with Lord Ebrington as Lord Lieutenant, or to have the Municipal Bill, and any other three bills which they might name, with Lord Roden for Viceroy; and they will at once answer, "Leave us Lord Ebrington; and burn your

bills." The truth is that, the more defective the legislation, the more important is a good administration, just as the personal qualities of a sovereign are of more importance in despotic countries like Russia than in a limited monarchy. If we have not in our Statute Book all the securities necessary for good government, it is of the more importance that the character of the men who administer the government should be an additional security.

But we are told that the government is weak. That is most true: and I believe that almost all that we are tempted to blame in the conduct of the government is to be attributed to weakness. But let us consider what the nature of this weakness is. Is it that kind of weakness which makes it our duty to oppose the government? Or is it that kind of weakness which makes it our duty to support the government? Is it intellectual weakness, moral weakness, the incapacity to discern, or the want of courage to pursue, the true interest of the nation? Such was the weakness of Mr. Addington, when this country was threatened with invasion from Boulogne. Such was the weakness of the government which sent out the wretched Walcheren expedition, and starved the Duke of Wellington in Spain; a government whose only strength was shown in prosecuting writers who exposed abuses, and in slaughtering rioters whom oppression had driven into outrage. Is that the weakness of the present government? I think not. As compared with any other party capable of holding the reins of government, they are deficient neither in intellectual nor in moral strength. On all great questions of difference between the Ministers and the Opposition, I hold the Ministers to be in the right. When I consider the difficulties with which they have to struggle, when I see how manfully that struggle is maintained by Lord Melbourne, when I see that Lord John Russell has excited even the admiration of his opponents by the heroic manner in which he has gone on, year after year, in sickness and domestic sorrow, fighting

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the battle of Reform, I am led to the conclusion that the weakness of the Ministers is of that sort which makes it our duty to give them, not opposition, but support; and that support it is my purpose to afford to the best of my ability.

If, indeed, I thought myself at liberty to consult my own inclination, I should have stood aloof from the conflict. If you should be pleased to send me to Parliament, I shall enter an assembly very different from that which I quitted in 1834. I left the Whigs united and dominant, strong in the confidence and attachment of one House of Parliament, strong also in the fears of the other. I shall return to find them helpless in the Lords, and forced almost every week to fight a battle for existence in the Commons. Many, whom I left bound together by what seemed indissoluble private and public ties, I shall now find assailing each other with more than the ordinary bitterness of political hostility. Many with whom I sat side by side, contending through whole nights for the Reform Bill, till the sun broke over the Thames on our undiminished ranks, I shall now find on hostile altercations with many with whom I had hoped never to have a conflict, except in the generous and friendly strife which should best serve the common cause. I left the Liberal government strong enough to maintain itself against an adverse court; I see that the Liberal government now rests for support on the preference of a sovereign, in whom the country sees with delight the promise of a better, a gentler, a happier Elizabeth, of a sovereign in whom we hope that our children and our grandchildren will admire the firmness, the sagacity, and the spirit which distinguished the last and greatest of the Tudors, tempered by the beneficent influence of more humane times and more popular institutions. Whether royal favor, never more needed and never better deserved, will enable the government to surmount the difficulties with

which it has to deal, I cannot presume to judge. It may be that the blow has only been deferred for a season, and that a long period of Tory domination is before us. Be it so. I entered public life a Whig; and a Whig I am determined to remain. I use that word, and I wish you to understand that I use it in no narrow sense. I mean by a Whig, not one who subscribes implicitly to the contents of any book, though that book may have been written by Locke; not one who approves the whole conduct of any statesman, though that statesman may have been Fox; not one who adopts the opinions in fashion in any circle, though that circle may be composed of the finest and noblest spirits of the age. But it seems to me that, when I look back on our history, I can discern a great party which has, through many generations, preserved its identity; a party often depressed, never extinguished; a party which, though often tainted with the faults of the age, has always been in advance of the age; a party which, though guilty of many errors and some crimes, has the glory of having established our civil and religious liberties on a firm foundation; and of that party I am proud to be a member. It was that party which, on the great question of monopolies, stood up against Elizabeth. It was that party which, in the reign of James the First, organized the earliest parliamentary opposition, which steadily asserted the privileges of the people, and wrested prerogative after prerogative from the Crown. It was that party which forced Charles the First to relinquish the Ship-money. It was that party which destroyed the Star Chamber and the High Commission Court. It was that party which, under Charles the Second, carried the Habeas Corpus Act, which effected the Revolution, which passed the Toleration Act, which broke the yoke of a foreign church in your country, and which saved Scotland from the fate of unhappy Ireland. It was that party which reared and maintained the constitutional throne of Hanover against the hostility

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of the Church and of the landed aristocracy of England. It was that party which opposed the war with America and the war with the French Republic; which imparted the blessings of our free Constitution to the Dissenters; and which, at a later period, by unparalleled sacrifices and exertions, extended the same blessings to the Roman Catholics. To the Whigs of the seventeenth century we owe it that we have a House of Commons. To the Whigs of the nineteenth century we owe it that the House of Commons has been purified. The abolition of the slave trade, the abolition of colonial slavery, the extension of popular education, the mitigation of the rigor of the penal code, all, all were effected by that party; and of that party, I repeat, I am a member. I look with pride on all that the Whigs have done for the cause of human freedom and of human happiness. I see them now hard pressed, struggling with difficulties, but still fighting the good fight. At their head I see men who have inherited the spirit and the virtues, as well as the blood, of old champions and martyrs of freedom. To those men I propose to attach myself. Delusion may triumph; but the triumphs of delusion are but for a day. We may be defeated, but our principles will only gather fresh strength from defeats. Be that, however, as it may, my part is taken. While one shred of the old banner is flying, by that banner will I at least be found. The good old cause, as Sidney called it on the scaffold, vanquished or victorious, insulted or triumphant, the good old cause is still the good old cause with me. Whether in or out of Parliament, whether speaking with that authority which must always belong to the representative of this great and enlightened community, or expressing the humble sentiments of a private citizen, I will to the last maintain inviolate my fidelity to principles which, though they may be borne down for a time by senseless clamor, are yet strong with the strength and immortal with the immortality of truth,

and which, however they may be misunderstood or misrepresented by contemporaries, will assuredly find justice from a better age. Gentlemen, I have done. I have only to thank you for the kind attention with which you have heard me, and to express my hope that, whether my principles have met with your concurrence or not, the frankness with which I have expressed them will at least obtain your approbation.

CONFIDENCE IN THE MINISTRY OF LORD MELBOURNE

JANUARY 29, 1840

On the twenty-eighth of January, 1840, Sir John Yarde Buller moved the following resolution : —

“That Her Majesty’s Government, as at present constituted, does not possess the confidence of the House.”

After a discussion of four nights the motion was rejected by 308 votes to 287. The following Speech was made on the second night of the debate.

THE House, Sir, may possibly imagine that I rise under some little feeling of irritation to reply to the personal reflections which have been introduced into the discussion. It would be easy to reply to these reflections; it would be still easier to retort them; but I should think either course unworthy of me and of this great occasion. If ever I should so far forget myself as to wander from the subject of debate to matters concerning only myself, it will not, I hope, be at a time when the dearest interests of our country are staked on the result of our deliberations. I rise under feelings of anxiety which leave no room in my mind for selfish vanity or petty vindictiveness. I believe with the most intense conviction that, in pleading for the government to which I belong, I am pleading for the safety of the Commonwealth, for the reformation of abuses, and at the same time for the preservation of august and venerable institutions; and I trust, Mr. Speaker, that when the question is whether a Cabinet be or be not worthy of the confidence of Par-

liament, the first Member of that Cabinet who comes forward to defend himself and his colleagues will find here some portion of that generosity and good feeling which once distinguished English gentlemen. But be this as it may, my voice shall be heard. I repeat, that I am pleading at once for the reformation and for the preservation of our institutions, for liberty and order, for justice administered in mercy, for equal laws, for the rights of conscience, and for the real union of Great Britain and Ireland. If, on so grave an occasion, I should advert to one or two of the charges which have been brought against myself personally, I shall do so only because I conceive that those charges affect in some degree the character of the government to which I belong.

One of the chief accusations brought against the government by the honorable Baronet¹ who opened the debate, and repeated by the seconder,² and by almost every gentleman who has addressed the House from the benches opposite, is that I have been invited to take office though my opinion with respect to the Ballot is known to be different from that of my colleagues. We have been repeatedly told that a Ministry in which there is not perfect unanimity on a subject so important must be undeserving of the public confidence. Now, Sir, it is true that I am in favor of secret voting, that my noble and right honorable friends near me are in favor of open voting, and yet that we sit in the same Cabinet. But if, on account of this difference of opinion, the government is unworthy of public confidence, then I am sure that scarcely any government which has existed within the memory of the oldest man has been deserving of public confidence. It is well known that in the Cabinets of Mr. Pitt, of Mr. Fox, of Lord Liverpool, of Mr. Canning, of the Duke of Wellington, there were open questions of great moment. Mr. Pitt, while still zealous for

¹ Sir John Yarde Buller.

² Alderman Thompson.

Parliamentary Reform, brought into the Cabinet Lord Grenville, who was adverse to Parliamentary Reform. Again, Mr. Pitt, while eloquently supporting the abolition of the slave trade, brought into the Cabinet Mr. Dundas, who was the chief defender of the slave trade. Mr. Fox, too, intense as was his abhorrence of the slave trade, sat in the same Cabinet with Lord Sidmouth and Mr. Windham, who voted to the last against the abolition of that trade. Lord Liverpool, Mr. Canning, the Duke of Wellington, all left the question of Catholic Emancipation open. And yet, of all questions, that was perhaps the very last that should have been left open. For it was not merely a legislative question, but a question which affected every part of the executive administration. But, to come to the present time, suppose that you could carry your resolution, suppose that you could drive the present Ministers from power, who that may succeed them will be able to form a government in which there will be no open questions? Can the right honorable Baronet the Member for Tamworth¹ form a Cabinet without leaving the great question of our privileges open? In what respect is that question less important than the question of the Ballot? Is it not indeed from the privileges of the House that all questions relating to the constitution of the House derive their importance? What does it matter how we are chosen, if, when we meet, we do not possess the powers necessary to enable us to perform the functions of a legislative assembly? Yet you, who would turn out the present Ministers because they differ from each other as to the way in which Members of this House should be chosen, wish to bring in men who decidedly differ from each other as to the relation in which this House stands to the nation, to the other House, and to the Courts of Judicature. Will you say that the dispute between the House and the Court of Queen's Bench is a trifling dispute? Surely, in the late

¹ Sir Robert Peel.

debates, you were all perfectly agreed as to the importance of the question, though you were agreed as to nothing else. Some of you told us that we were contending for a power essential to our honor and usefulness. Many of you protested against our proceedings, and declared that we were encroaching on the province of the tribunals, violating the liberty of our fellow citizens, punishing honest magistrates for not perjuring themselves. Are these trifles? And can we believe that you really feel a horror of open questions when we see your Prime Minister elect sending people to prison overnight, and his law officers elect respectfully attending the levee of those prisoners the next morning? Observe, too, that this question of privileges is not merely important; it is also pressing. Something must be done, and that speedily. My belief is that more inconvenience would follow from leaving that question open one month than from leaving the question of the Ballot open ten years.

The Ballot, Sir, is not the only subject on which I am accused of holding dangerous opinions. The right honorable Baronet the Member for Pembroke¹ pronounces the present government a Chartist government; and he proves his point by saying that I am a member of the government, and that I wish to give the elective franchise to every ten-pound householder, whether his house be in a town or in the country. Is it possible, Sir, that the honorable Baronet should not know that the fundamental principle of the plan of government called the People's Charter is that every male of twenty-one should have a vote? Or is it possible that he can see no difference between giving the franchise to all ten-pound householders and giving the franchise to all males of twenty-one? Does he think the ten-pound householders a class morally or intellectually unfit to possess the franchise, he who bore a chief part in framing the law which gave them the franchise in all the represented towns of the United

¹ Sir James Graham.

Kingdom? Or will he say that the ten-pound householder in a town is morally and intellectually fit to be an elector, but that the ten-pound householder who lives in the open country is morally and intellectually unfit? Is not house rent notoriously higher in towns than in the country? Is it not, therefore, probable that the occupant of a ten-pound house in a rural hamlet will be a man who has a greater stake in the peace and welfare of society than a man who has a ten-pound house in Manchester or Birmingham? Can you defend on conservative principles an arrangement which gives votes to a poorer class and withholds them from a richer? For my own part, I believe it to be essential to the welfare of the state, that the elector should have a pecuniary qualification. I believe that the ten-pound qualification cannot be proved to be either too high or too low. Changes, which may hereafter take place in the value of money and in the condition of the people, may make a change of the qualification necessary. But the ten-pound qualification is, I believe, well suited to the present state of things. At any rate I am unable to conceive why it should be a sufficient qualification within the limits of a borough, and an insufficient qualification a yard beyond those limits; sufficient at Knightsbridge, but insufficient at Kensington; sufficient at Lambeth, but insufficient at Battersea? If any person calls this Chartism, he must permit me to tell him that he does not know what Chartism is.

A motion, Sir, such as that which we are considering, brings under our review the whole policy of the kingdom, domestic, foreign, and colonial. It is not strange, therefore, that there should have been several episodes in this debate. Something has been said about the hostilities on the River Plata, something about the hostilities on the coast of China, something about Commissioner Lin, something about Captain Elliot. But on such points I shall not dwell, for it is evidently not by the opinion

which the House may entertain on such points that the event of the debate will be decided. The main argument of the gentlemen who support the motion, the argument on which the right honorable Baronet who opened the debate chiefly relied, the argument which his seconder repeated, and which has formed the substance of every speech since delivered from the opposite side of the House, may be fairly summed up thus: "The country is not in a satisfactory state. There is much recklessness, much turbulence, much craving for political change; and the cause of these evils is the policy of the Whigs. They rose to power by agitation in 1830; they retained power by means of agitation through the tempestuous months which followed; they carried the Reform Bill by means of agitation: expelled from office, they forced themselves in again by means of agitation; and now we are paying the penalty of their misconduct. Chartism is the natural offspring of Whiggism. From those who caused the evil we cannot expect the remedy. The first thing to be done is to dismiss them, and to call to power men who, not having instigated the people to commit excesses, can, without incurring the charge of inconsistency, enforce the laws."

Now, Sir, it seems to me that this argument was completely refuted by the able and eloquent speech of my right honorable friend the Judge Advocate.¹ He said, and he said most truly, that those who hold this language are really accusing, not the government of Lord Melbourne, but the government of Lord Grey. I was therefore, I must say, surprised, after the speech of my right honorable friend, to hear the right honorable Baronet the Member for Pembroke, himself a distinguished member of the Cabinet of Lord Grey, pronounce a harangue against agitation. That he was himself an agitator he does not venture to deny; but he tries to excuse himself by saying, "I liked the Reform Bill; I thought it a good

¹ Sir George Grey.

bill; and so I agitated for it; and, in agitating for it, I acknowledge that I went to the very utmost limit of what was prudent, to the very utmost limit of what was legal." Does not the right honorable Baronet perceive that, by setting up this defence for his own past conduct, he admits that agitation is good or evil according as the objects of the agitation are good or evil? When I hear him speak of agitation as a practice disgraceful to a public man, and especially to a Minister of the Crown, and address his lecture in a particular manner to me, I cannot but wonder that he should not perceive that his reproaches, instead of wounding me, recoil on himself. I was not a member of the Cabinet which brought in the Reform Bill, which dissolved the Parliament in a moment of intense excitement in order to carry the Reform Bill, which refused to serve the sovereign longer unless he would create peers in sufficient numbers to carry the Reform Bill. I was at that time only one of those hundreds of Members of this House, one of those millions of Englishmen, who were deeply impressed with the conviction that the Reform Bill was one of the best laws that ever had been framed, and who reposed entire confidence in the abilities, the integrity, and the patriotism of the Ministers; and I must add that in no member of the administration did I place more confidence than in the right honorable Baronet, who was then First Lord of the Admiralty, and in the noble lord who was then Secretary for Ireland.¹ It was indeed impossible for me not to see that the public mind was strongly, was dangerously stirred; but I trusted that men so able, men so upright, men who had so large a stake in the country, would carry us safe through the storm which they had raised. And is it not rather hard that my confidence in the right honorable Baronet and the noble lord is to be imputed to me as a crime by the very men who are trying to raise the right honorable Baronet and the noble lord to power?

¹ Lord Stanley.

The Charter, we have been told in this debate, is the child of the Reform Bill. But whose child is the Reform Bill? If men are to be deemed unfit for office because they roused the national spirit to support that bill, because they went as far as the law permitted in order to carry that bill, then I say that no men can be more unfit for office than the right honorable Baronet and the noble lord. It may be thought presumptuous in me to defend two persons who are so well able to defend themselves, and the more so, as they have a powerful ally in the right honorable Baronet the Member for Tamworth, who, having twice offered them high places in the government, must be supposed to be of opinion that they are not disqualified for being ministers by having been agitators. I will, however, venture to offer some arguments in vindication of the conduct of my noble and right honorable friends, as I once called them, and as, notwithstanding the asperity which has characterized the present debate, I should still have pleasure in calling them. I would say in their behalf that agitation ought not to be indiscriminately condemned; that great abuses ought to be removed; that in this country scarcely any great abuse was ever removed till the public feeling had been roused against it; and that the public feeling has seldom been roused against abuses without exertions to which the name of agitation may be given. I altogether deny the assertion which we have repeatedly heard in the course of this debate, that a government which does not discountenance agitation cannot be trusted to suppress rebellion. Agitation and rebellion, you say, are in kind the same thing; they differ only in degree. Sir, they are the same thing in the sense in which to breathe a vein and to cut a throat are the same thing. There are many points of resemblance between the act of the surgeon and the act of the assassin. In both there is the steel, the incision, the smart, the bloodshed. But the acts differ as widely as possible both in moral character and in physi-

cal effect. So with agitation and rebellion. I do not believe that there has been any moment since the Revolution of 1688 at which an insurrection in this country would have been justifiable. On the other hand, I hold that we have owed to agitation a long series of beneficent reforms, which could have been effected in no other way. Nor do I understand how any person can reprobate agitation merely as agitation, unless he is prepared to adopt the maxim of Bishop Horsley, that the people have nothing to do with the laws but to obey them. The truth is that agitation is inseparable from popular government. If you wish to get rid of agitation, you must establish an oligarchy like that of Venice, or a despotism like that of Russia. If a Russian thinks that he is able to suggest an improvement in the commercial code or the criminal code of his country, he tries to obtain an audience of the Emperor Nicholas or of Count Nesselrode. If he can satisfy them that his plans are good, then undoubtedly, without agitation, without controversy in newspapers, without harangues from hustings, without clamorous meetings in great halls and in market places, without petitions signed by tens of thousands, you may have a reform effected with one stroke of the pen. Not so here. Here the people, as electors, have power to decide questions of the highest importance. And ought they not to hear and read before they decide? And how can they hear if nobody speaks, or read if nobody writes? You must admit, then, that it is our right, and that it may be our duty, to attempt by speaking and writing to induce the great body of our countrymen to pronounce what we think a right decision; and what else is agitation? In saying this I am not defending one party alone. Has there been no Tory agitation? No agitation against Popery? No agitation against the new Poor Law? No agitation against the plan of education framed by the present government? Or, to pass from questions about which we differ to questions about which we all

agree: Would the slave trade ever have been abolished without agitation? Would slavery ever have been abolished without agitation? Would your prison discipline ever have been improved without agitation? Would your penal code, once the scandal of the Statute Book, have been mitigated without agitation? I am far from denying that agitation may be abused, may be employed for bad ends, may be carried to unjustifiable lengths. So may that freedom of speech which is one of the most precious privileges of this House. Indeed, the analogy is very close. What is agitation but the mode in which the public, the body which we represent, the great outer assembly, if I may so speak, holds its debates? It is as necessary to the good government of the country that our constituents should debate as that we should debate. They sometimes go wrong, as we sometimes go wrong. There is often much exaggeration, much unfairness, much acrimony in their debates. Is there none in ours? Some worthless demagogues may have exhorted the people to resist the laws. But what member of Lord Grey's government, what member of the present government, ever gave any countenance to any illegal proceedings? It is perfectly true that some words which have been uttered here and in other places, and which, when taken together with the context and candidly construed, will appear to mean nothing but what was reasonable and constitutional and moderate, have been distorted and mutilated into something that has a seditious aspect. But who is secure against such misrepresentation? Not, I am sure, the right honorable Baronet the Member for Pembroke. He ought to remember that his own speeches have been used by bad men for bad ends. He ought to remember that some expressions which he used in 1830, on the subject of the emoluments divided among Privy Councillors, have been quoted by the Chartists in vindication of their excesses. Do I blame him for this? Not at all. He said nothing that was not justifiable. But it

is impossible for a man so to guard his lips that his language shall not sometimes be misunderstood by dull men, and sometimes misrepresented by dishonest men. I do not, I say, blame him for having used those expressions: but I do say that, knowing how his own expressions had been perverted, he should have hesitated before he threw upon men, not less attached than himself to the cause of law, of order and property, imputations certainly not better founded than those to which he is himself liable.

And now, Sir, to pass by many topics to which, but for the lateness of the hour, I would willingly advert, let me remind the House that the question before us is not a positive question, but a question of comparison. No man, though he may disapprove of some part of the conduct of the present Ministers, is justified in voting for the motion which we are considering, unless he believes that a change would, on the whole, be beneficial. No government is perfect: but some government there must be; and, if the present government were worse than its enemies think it, it ought to exist until it can be succeeded by a better. Now I take it to be perfectly clear that, in the event of the removal of Her Majesty's present advisers, an administration must be formed of which the right honorable Baronet the Member for Tamworth will be the head. Towards that right honorable Baronet, and towards many of the noblemen and gentlemen who would probably in that event be associated with him, I entertain none but kind and respectful feelings. I am far, I hope, from that narrowness of mind which makes a man unable to see merit in any party but his own. If I may venture to parody the old Venetian proverb, I would be "First an Englishman; and then a Whig." I feel proud of my country when I think how much ability, uprightness, and patriotism may be found on both sides of the House. Among our opponents stands forth, eminently distinguished by parts, eloquence, knowledge,

and, I willingly admit, by public spirit, the right honorable Baronet the Member for Tamworth. Having said this, I shall offer no apology for the remarks which, in the discharge of my public duty, I shall make, without, I hope, any personal discourtesy, on his past conduct and his present position.

It has been, Sir, I will not say his fault, but his misfortune, his fate, to be the leader of a party with which he has no sympathy. To go back to what is now matter of history, the right honorable Baronet bore a chief part in the restoration of the currency. By a very large proportion of his followers the restoration of the currency is considered as the chief cause of the distresses of the country. The right honorable Baronet cordially supported the commercial policy of Mr. Huskisson. But there was no name more odious than that of Mr. Huskisson to the rank and file of the Tory party. The right honorable Baronet assented to the Act which removed the disabilities of the Protestant Dissenters. But, a very short time ago, a noble Duke, one of the highest in power and rank of the right honorable Baronet's adherents, positively refused to lend his aid to the executing of that Act. The right honorable Baronet brought in the bill which removed the disabilities of the Roman Catholics; but his supporters make it a chief article of charge against us that we have given practical effect to the law which is his best title to public esteem. The right honorable Baronet has declared himself decidedly favorable to the new Poor Law. Yet, if a voice is raised against the Whig Bastilles and the Kings of Somerset House, it is almost certain to be the voice of some zealous retainer of the right honorable Baronet. On the great question of privilege the right honorable Baronet has taken a part which entitles him to the gratitude of all who are solicitous for the honor and the usefulness of the popular branch of the legislature. But if any person calls us tyrants, and calls those whom we have impri-

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soned martyrs, that person is certain to be a partisan of the right honorable Baronet. Even when the right honorable Baronet does happen to agree with his followers as to a conclusion, he seldom arrives at that conclusion by the same process of reasoning which satisfies them. Many great questions which they consider as questions of right and wrong, as questions of moral and religious principle, as questions which must, for no earthly object, and on no emergency, be compromised, are treated by him merely as questions of expediency, of place, and of time. He has opposed many bills introduced by the present government; but he has opposed them on such grounds that he is at perfect liberty to bring in the same bills himself next year, with perhaps some slight variation. I listened to him, as I always listen to him, with pleasure, when he spoke last session on the subject of education. I could not but be amused by the skill with which he performed the hard task of translating the gibberish of bigots into language which might not misbecome the mouth of a man of sense. I felt certain that he despised the prejudices of which he condescended to make use, and that his opinion about the Normal Schools and the Douai Version entirely agreed with my own. I therefore do not think that, in times like these, the right honorable Baronet can conduct the administration with honor to himself or with satisfaction to those who are impatient to see him in office. I will not affect to feel apprehensions from which I am entirely free. I do not fear, and I will not pretend to fear, that the right honorable Baronet will be a tyrant and a persecutor. I do not believe that he will give up Ireland to the tender mercies of those zealots who form, I am afraid, the strongest, and I am sure the loudest, part of his retinue. I do not believe that he will strike the names of Roman Catholics from the Privy Council book, and from the Commissions of the Peace. I do not believe that he will lay on our table a bill for the repeal of that great Act

which was introduced by himself in 1829. What I do anticipate is this, that he will attempt to keep his party together by means which will excite grave discontents, and yet that he will not succeed in keeping his party together; that he will lose the support of the Tories without obtaining the support of the nation; and that his government will fall from causes purely internal.

This, Sir, is not mere conjecture. The drama is not a new one. It was performed a few years ago on the same stage and by most of the same actors. In 1827 the right honorable Baronet was, as now, the head of a powerful Tory opposition. He had, as now, the support of a strong minority in this House. He had, as now, a majority in the other House. He was, as now, the favorite of the Church and of the Universities. All who dreaded political change, all who hated religious liberty, rallied round him then, as they rally round him now. Their cry was then, as now, that a government unfriendly to the civil and ecclesiastical Constitution of the realm was kept in power by intrigue and court favor, and that the right honorable Baronet was the man to whom the nation must look to defend its laws against revolutionists, and its religion against idolaters. At length that cry became irresistible. Tory animosity had pursued the most accomplished of Tory statesmen and orators to a resting place in Westminster Abbey. The arrangement which was made after his death lasted but a very few months: a Tory government was formed; and the right honorable Baronet became the leading minister of the Crown in the House of Commons. His adherents hailed his elevation with clamorous delight, and confidently expected many years of triumph and dominion. Is it necessary to say in what disappointment, in what sorrow, in what fury, those expectations ended? The right honorable Baronet had been raised to power by prejudices and passions in which he had no share. His followers were bigots. He was a statesman. He was

coolly weighing conveniences against inconveniences, while they were ready to resort to a proscription and to hazard a civil war rather than depart from what they called their principles. For a time he tried to take a middle course. He imagined that it might be possible for him to stand well with his old friends, and yet to perform some part of his duty to the state. But those were not times in which he could long continue to halt between two opinions. His elevation, as it had excited the hopes of the oppressors, had excited also the terror and the rage of the oppressed. Agitation which had, during more than a year, slumbered in Ireland, awoke with renewed vigor, and soon became more formidable than ever. The Roman Catholic Association began to exercise authority such as the Irish Parliament, in the days of its independence, had never possessed. An agitator became more powerful than the Lord Lieutenant. Violence engendered violence. Every explosion of feeling on one side of St. George's Channel was answered by a louder explosion on the other. The Clare election, the Penenden Heath meeting showed that the time for evasion and delay was past. A crisis had arrived which made it absolutely necessary for the government to take one side or the other. A simple issue was proposed to the right honorable Baronet, concession or civil war; to disgust his party, or to ruin his country. He chose the good part. He performed a duty, deeply painful, in some sense humiliating, yet in truth highly honorable to him. He came down to this House and proposed the emancipation of the Roman Catholics. Among his adherents were some who, like himself, had opposed the Roman Catholic claims merely on the ground of political expediency; and these persons readily consented to support his new policy. But not so the great body of his followers. Their zeal for Protestant ascendancy was a ruling passion, a passion, too, which they thought it a virtue to indulge. They had exerted themselves to raise

to power the man whom they regarded as the ablest and most trusty champion of that ascendancy; and he had not only abandoned the good cause, but had become its adversary. Who can forget in what a roar of obloquy their anger burst forth? Never before was such a flood of calumny and invective poured on a single head. All history, all fiction were ransacked by the old friends of the right honorable Baronet, for nicknames and allusions. One right honorable gentleman, whom I am sorry not to see in his place opposite, found English prose too weak to express his indignation, and pursued his perfidious chief with reproaches borrowed from the ravings of the deserted Dido. Another Tory explored Holy Writ for parallels, and could find no parallel but Judas Iscariot. The great university which had been proud to confer on the right honorable Baronet the highest marks of favor was foremost in affixing the brand of infamy. From Cornwall, from Northumberland, clergymen came up by hundreds to Oxford, in order to vote against him whose presence, a few days before, would have set the bells of their parish churches jingling. Nay, such was the violence of this new enmity that the old enmity of the Tories to Whigs, Radicals, Dissenters, Papists, seemed to be forgotten. That Ministry which, when it came into power at the close of 1828, was one of the strongest that the country ever saw, was, at the close of 1829, one of the weakest. It lingered another year, staggering between two parties, leaning now on one, now on the other, reeling sometimes under a blow from the right, sometimes under a blow from the left, and certain to fall as soon as the Tory opposition and the Whig opposition could find a question on which to unite. Such a question was found: and that Ministry fell without a struggle.

Now, what I wish to know is this. What reason have we to believe that any administration which the right honorable Baronet can now form will have a different fate? Is he changed since 1829? Is his party changed?

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He is, I believe, still the same, still a statesman, moderate in opinions, cautious in temper, perfectly free from that fanaticism which inflames so many of his supporters. As to his party, I admit that it is not the same; for it is very much worse. It is decidedly fiercer and more unreasonable than it was eleven years ago. I judge by its public meetings; I judge by its journals; I judge by its pulpits, pulpits which every week resound with ribaldry and slander such as would disgrace the hustings. A change has come over the spirit of a part, I hope not the larger part, of the Tory body. It was once the glory of the Tories that, through all changes of fortune, they were animated by a steady and fervent loyalty which made even error respectable, and gave to what might otherwise have been called servility something of the manliness and nobleness of freedom. A great Tory poet, whose eminent services to the cause of monarchy had been ill requited by an ungrateful court, boasted that

"Loyalty is still the same,
Whether it win or lose the game;
True as the dial to the sun,
Although it be not shined upon."

Toryism has now changed its character. We have lived to see a monster of a faction made up of the worst parts of the Cavalier and the worst parts of the Roundhead. We have lived to see a race of disloyal Tories. We have lived to see Tories giving themselves the airs of those insolent pikemen who puffed out their tobacco smoke in the face of Charles the First. We have lived to see Tories who, because they are not allowed to grind the people after the fashion of Strafford, turn round and revile the sovereign in the style of Hugh Peters. I say, therefore, that, while the leader is still what he was eleven years ago, when his moderation alienated his intemperate followers, his followers are more intemperate than ever. It is my firm belief that the majority of them desire the repeal of the Emancipation Act. You

say, no. But I will give reasons, and unanswerable reasons, for what I say. How, if you really wish to maintain the Emancipation Act, do you explain that clamor which you have raised, and which has resounded through the whole kingdom, about the three Popish Privy Councillors? You resent, as a calumny, the imputation that you wish to repeal the Emancipation Act; and yet you cry out that Church and State are in danger of ruin whenever the government carries that Act into effect. If the Emancipation Act is never to be executed, why should it not be repealed? I perfectly understand that an honest man may wish it to be repealed. But I am at a loss to understand how honest men can say, "We wish the Emancipation Act to be maintained: you who accuse us of wishing to repeal it slander us foully: we value it as much as you do. Let it remain among our statutes, provided always that it remains as a dead letter. If you dare to put it in force, indeed, we will agitate against you; for, though we talk against agitation, we, too, can practise agitation: we will denounce you in our associations; for, though we call associations unconstitutional, we, too, have our associations: our divines shall preach about Jezebel: our tavern spouters shall give significant hints about James the Second." Yes, Sir, such hints have been given, hints that a sovereign who has merely executed the law, ought to be treated like a sovereign who grossly violated the law. I perfectly understand, as I said, that an honest man may disapprove of the Emancipation Act, and may wish it repealed. But can any man, who is of opinion that Roman Catholics ought to be admitted to office, honestly maintain that they now enjoy more than their fair share of power and emolument? What is the proportion of Roman Catholics to the whole population of the United Kingdom? About one fourth. What proportion of the Privy Councillors are Roman Catholics? About one seventieth. And what, after all, is the power of a Privy Councillor,

merely as such? Are not the right honorable gentlemen opposite Privy Councillors? If a change should take place, will not the present Ministers still be Privy Councillors? It is notorious that no Privy Councillor goes to Council unless he is specially summoned. He is called Right Honorable, and he walks out of a room before Esquires and Knights. And can we seriously believe that men who think it monstrous that this honorary distinction should be given to three Roman Catholics, do sincerely desire to maintain a law by which a Roman Catholic may be Commander in Chief with all the military patronage, First Lord of the Admiralty with all the naval patronage, or First Lord of the Treasury, with the chief influence in every department of the government? I must therefore suppose that those who join in the cry against the three Privy Councillors are either imbecile or hostile to the Emancipation Act.

I repeat, therefore, that, while the right honorable Baronet is as free from bigotry as he was eleven years ago, his party is more bigoted than it was eleven years ago. The difficulty of governing Ireland in opposition to the feelings of the great body of the Irish people is, I apprehend, as great now as it was eleven years ago. What, then, must be the fate of a government formed by the right honorable Baronet? Suppose that the event of this debate should make him Prime Minister? Should I be wrong if I were to prophesy that three years hence he will be more hated and vilified by the Tory party than the present advisers of the Crown have been? Should I be wrong if I were to say that all those literary organs which now deafen us with praise of him, will then deafen us with abuse of him? Should I be wrong if I were to say that he will be burned in effigy by those who now drink his health with three times three and one cheer more? Should I be wrong if I were to say that those very gentlemen who have crowded hither to-night in order to vote him into power, will crowd hither to vote

Lord Melbourne back? Once already have I seen those very persons go out into the lobby for the purpose of driving the right honorable Baronet from the high situation to which they had themselves exalted him. I went out with them myself; yes, with the whole body of Tory country gentlemen, with the whole body of high Churchmen. All the four University Members were with us. The effect of that division was to bring Lord Grey, Lord Althorpe, Lord Brougham, Lord Durham into power. You may say that the Tories on that occasion judged ill, that they were blinded by vindictive passion, that if they had foreseen all that followed they might have acted differently. Perhaps so. But what has been once may be again. I cannot think it possible that those who are now supporting the right honorable Baronet will continue from personal attachment to support him if they see that his policy is in essentials the same as Lord Melbourne's. I believe that they have quite as much personal attachment to Lord Melbourne as to the right honorable Baronet. They follow the right honorable Baronet because his abilities, his eloquence, his experience are necessary to them; but they are but half reconciled to him. They never can forget that, in the most important crisis of his public life, he deliberately chose rather to be the victim of their injustice than its instrument. It is idle to suppose that they will be satisfied by seeing a new set of men in power. Their maxim is most truly, "Measures, not men." They care not before whom the sword of state is borne at Dublin, or who wears the badge of St. Patrick. What they abhor is not Lord Normanby personally or Lord Ebrington personally, but the great principles in conformity with which Ireland has been governed by Lord Normanby and by Lord Ebrington, the principles of justice, humanity, and religious freedom. What they wish to have in Ireland is not my Lord Haddington, or any other viceroy whom the right honorable Baronet may select, but the

tyranny of race over race, and of creed over creed. Give them what they want; and you convulse the empire. Refuse them; and you dissolve the Tory party. I believe that the right honorable Baronet himself is by no means without apprehensions that, if he were now called to the head of affairs, he would, very speedily, have the dilemma of 1829 again before him. He certainly was not without such apprehensions when, a few months ago, he was commanded by Her Majesty to submit to her the plan of an administration. The aspect of public affairs was not at that time cheering. The Chartists were stirring in England. There were troubles in Canada. There were great discontents in the West Indies. An expedition, of which the event was still doubtful, had been sent into the heart of Asia. Yet, among many causes of anxiety, the discerning eye of the right honorable Baronet easily discerned the quarter where the great and immediate danger lay. He told the House that his difficulty would be Ireland. Now, Sir, that which would be the difficulty of his administration is the strength of the present administration. Her Majesty's Ministers enjoy the confidence of Ireland; and I believe that what ought to be done for that country will excite less discontent here if done by them than if done by him. He, I am afraid, great as his abilities are, and good as I willingly admit his intentions to be, would find it easy to lose the confidence of his partisans, but hard indeed to win the confidence of the Irish people.

It is indeed principally on account of Ireland that I feel solicitous about the issue of the present debate. I well know how little chance he who speaks on that theme has of obtaining a fair hearing. Would to God that I were addressing an audience which would judge this great controversy as it is judged by foreign nations, and as it will be judged by future ages. The passions which inflame us, the sophisms which delude us, will not last forever. The paroxysms of faction have their appointed

season. Even the madness of fanaticism is but for a day. The time is coming when our conflicts will be to others what the conflicts of our forefathers are to us; when the preachers who now disturb the state, and the politicians who now make a stalking horse of the Church will be no more than Sacheverell and Harley. Then will be told, in language very different from that which now calls forth applause from the mob of Exeter Hall, the true story of these troubled years.

There was, it will then be said, a part of the kingdom of Queen Victoria which presented a lamentable contrast to the rest; not from want of natural fruitfulness, for there was no richer soil in Europe; not from want of facilities for trade, for the coasts of this unhappy region were indented by bays and estuaries capable of holding all the navies of the world: not because the people were too dull to improve these advantages or too pusillanimous to defend them; for in natural quickness of wit and gallantry of spirit they ranked high among the nations. But all the bounty of nature had been made unavailing by the crimes and errors of man. In the twelfth century that fair island was a conquered province. The nineteenth century found it a conquered province still. During that long interval many great changes had taken place which had conduced to the general welfare of the empire: but those changes had only aggravated the misery of Ireland. The Reformation came, bringing to England and Scotland divine truth and intellectual liberty. To Ireland it brought only fresh calamities. Two new war cries, Protestant and Catholic, animated the old feud between the Englishry and the Irishry. The Revolution came, bringing to England and Scotland civil and spiritual freedom, to Ireland subjugation, degradation, persecution. The Union came: but, though it joined legislatures, it left hearts as widely disjoined as ever. Catholic Emancipation came: but it came too late; it came as a concession

made to fear, and, having excited unreasonable hopes, was naturally followed by unreasonable disappointment. Then came violent irritation, and numerous errors on both sides. Agitation produced coercion, and coercion produced fresh agitation. Difficulties and dangers went on increasing, till a government arose which, all other means having failed, determined to employ the only means that had not yet been fairly tried, justice and mercy. The state, long the stepmother of the many, and the mother only of the few, became for the first time the common parent of all the great family. The body of the people began to look on their rulers as friends. Battalion after battalion, squadron after squadron, was withdrawn from districts which, as it had till then been thought, could be governed by the sword alone. Yet the security of property and the authority of law became every day more complete. Symptoms of amendment, symptoms such as cannot be either concealed or counterfeited, began to appear; and those who once despaired of the destinies of Ireland began to entertain a confident hope that she would at length take among European nations that high place to which her natural resources and the intelligence of her children entitle her to aspire.

In words such as these, I am confident, will the next generation speak of the events of our time. Relying on the sure justice of history and of posterity, I care not, as far as I am personally concerned, whether we stand or fall. That issue it is for the House to decide. Whether the result will be victory or defeat, I know not. But I know that there are defeats not less glorious than any victory; and yet I have shared in some glorious victories. Those were proud and happy days;—some who sit on the benches opposite can well remember, and must, I think, regret them;—those were proud and happy days when, amidst the applauses and blessings of millions, my noble friend led us on in the great struggle for the Reform Bill; when hundreds waited round our

doors till sunrise to hear how we had sped; when the great cities of the north poured forth their population on the highways to meet the mails which brought from the capital the tidings whether the battle of the people had been lost or won. Such days my noble friend cannot hope to see again. Two such triumphs would be too much for one life. But perhaps there still awaits him a less pleasing, a less exhilarating, but a not less honorable task, the task of contending against superior numbers, and through years of discomfiture, for those civil and religious liberties which are inseparably associated with the name of his illustrious house. At his side will not be wanting men who against all odds, and through all turns of fortune, in evil days and amidst evil tongues, will defend to the last, with unabated spirit, the noble principles of Milton and of Locke. We may be driven from office. We may be doomed to a life of opposition. We may be made marks for the rancor of sects which, hating each other with a deadly hatred, yet hate toleration still more. We may be exposed to the rage of Laud on one side, and of Praise God Barebone on the other. But justice will be done at last: and a portion of the praise which we bestow on the old champions and martyrs of freedom will not be refused by future generations to the men who have in our days endeavored to bind together in real union races too long estranged, and to efface, by the mild influence of a parental government, the fearful traces which have been left by the misrule of ages.

WAR WITH CHINA

APRIL 7, 1840

On the seventh of April, 1840, Sir James Graham moved the following resolution : —

“ That it appears to this House, on consideration of the papers relating to China presented to this House by command of Her Majesty, that the interruption in our commercial and friendly intercourse with that country, and the hostilities which have since taken place, are mainly to be attributed to the want of foresight and precaution on the part of Her Majesty’s present advisers, in respect to our relations with China, and especially to their neglect to furnish the Superintendent at Canton with powers and instructions calculated to provide against the growing evils connected with the contraband trade in opium, and adapted to the novel and difficult situation in which the Superintendent was placed.”

As soon as the question had been put from the Chair, the following Speech was made.

The motion was rejected, after a debate of three nights, by 271 votes to 261.

MR. SPEAKER, —

If the right honorable Baronet, in rising to make an attack on the government, was forced to own that he was unnerved and overpowered by his sense of the importance of the question with which he had to deal, one who rises to repel that attack may, without any shame, confess that he feels similar emotions. And yet I must say that the anxiety, the natural and becoming anxiety, with which Her Majesty’s Ministers have awaited the judgment of the House on these papers, was not a little allayed by the terms of the right honorable Baronet’s

motion, and has been still more allayed by his speech. It was impossible for us to doubt either his inclination or his ability to detect and to expose any fault which we might have committed; and we may well congratulate ourselves on finding that, after the closest examination into a long series of transactions, so extensive, so complicated, and, in some respects, so disastrous, so keen an assailant could produce only so futile an accusation.

In the first place, Sir, the resolution which the right honorable Baronet has moved relates entirely to events which took place before the rupture with the Chinese government. That rupture took place in March, 1839. The right honorable Baronet, therefore, does not propose to pass any censure on any step which has been taken by the government within the last thirteen months; and it will, I think, be generally admitted, that when he abstains from censuring the proceedings of the government, it is because the most unfriendly scrutiny can find nothing in those proceedings to censure. We by no means deny that he has a perfect right to propose a vote expressing disapprobation of what was done in 1837 or 1838. At the same time, we cannot but be gratified by learning that he approves of our present policy, and of the measures which we have taken, since the rupture, for the vindication of the national honor and for the protection of the national interests.

It is also to be observed that the right honorable Baronet has not ventured, either in his motion or in his speech, to charge Her Majesty's Ministers with any unwise or unjust act, with any act tending to lower the character of England, or to give cause of offence to China. The only sins which he imputes to them are sins of omission. His complaint is merely that they did not foresee the course which events would take at Canton, and that consequently they did not send sufficient instructions to the British resident who was stationed there.

Now, it is evident that such an accusation is of all accusations that which requires the fullest and most distinct proof; for it is of all accusations that which it is easiest to make and hardest to refute. A man charged with a culpable act which he has not committed has comparatively little difficulty in proving his innocence. But when the charge is merely this, that he has not, in a long and intricate series of transactions, done all that it would have been wise to do, how is he to vindicate himself? And the case which we are considering has this peculiarity, that the envoy to whom the Ministers are said to have left too large a discretion was fifteen thousand miles from them. The charge against them, therefore, is this, that they did not give such copious and particular directions as were sufficient, in every possible emergency, for the guidance of a functionary who was fifteen thousand miles off. Now, Sir, I am ready to admit that, if the papers on our table related to important negotiations with a neighboring state, if they related, for example, to a negotiation carried on with France, my noble friend the Secretary for Foreign Affairs¹ might well have been blamed for sending instructions so meagre and so vague to our Ambassador at Paris. For my noble friend knows to-night what passed between our Ambassador at Paris and the French Ministers yesterday; and a messenger dispatched to-night from Downing Street will be at the Embassy in the Faubourg Saint Honoré the day after to-morrow. But that constant and minute control, which the Foreign Secretary is bound to exercise over diplomatic agents who are near, becomes an useless and pernicious meddling when exercised over agents who are separated from him by a voyage of five months. There are on both sides of the House gentlemen conversant with the affairs of India. I appeal to those gentlemen. India is nearer to us than China. India is far better known to us than China. Yet is it not universally

¹ Lord Palmerston.

acknowledged that India can be governed only in India? The authorities at home point out to a governor the general line of policy which they wish him to follow; but they do not send him directions as to the details of his administration. How, indeed, is it possible that they should send him such directions? Consider in what a state the affairs of this country would be if they were to be conducted according to directions framed by the ablest statesman residing in Bengal. A dispatch goes hence asking for instructions while London is illuminating for the peace of Amiens. The instructions arrive when the French army is encamped at Boulogne, and when the whole island is up in arms to repel invasion. A dispatch is written asking for instructions when Bonaparte is at Elba. The instructions come when he is at the Tuileries. A dispatch is written asking for instructions when he is at the Tuileries. The instructions come when he is at St. Helena. It would be just as impossible to govern India in London as to govern England at Calcutta. While letters are preparing here on the supposition that there is profound peace in the Carnatic, Hyder is at the gates of Fort St. George. While letters are preparing here on the supposition that trade is flourishing and that the revenue exceeds the expenditure, the crops have failed, great agency houses have broken, and the government is negotiating a loan on hard terms. It is notorious that the great men who founded and preserved our Indian empire, Clive and Warren Hastings, treated all particular orders which they received from home as mere waste paper. Had not those great men had the sense and spirit so to treat such orders, we should not now have had an Indian empire. But the case of China is far stronger. For, though a person who is now writing a dispatch to Fort William in Leadenhall Street or Cannon Row, cannot know what events have happened in India within the last two months, he may be very intimately acquainted with the general state of that coun-

try, with its wants, with its resources, with the habits and temper of the native population, and with the character of every prince and minister from Nepaul to Tanjore. But what does anybody here know of China? Even those Europeans who have been in that empire are almost as ignorant of it as the rest of us. Everything is covered by a veil, through which a glimpse of what is within may occasionally be caught, a glimpse just sufficient to set the imagination at work, and more likely to mislead than to inform. The right honorable Baronet has told us that an Englishman at Canton sees about as much of China as a foreigner who should land at Wapping and proceed no further would see of England. Certainly the sights and sounds of Wapping would give a foreigner but a very imperfect notion of our government, of our manufactures, of our agriculture, of the state of learning and the arts among us. And yet the illustration is but a faint one. For a foreigner may, without seeing even Wapping, without visiting England at all, study our literature, and may thence form a vivid and correct idea of our institutions and manners. But the literature of China affords us no such help. Obstacles unparalleled in any other country which has books must be surmounted by the student who is determined to master the Chinese tongue. To learn to read is the business of half a life. It is easier to become such a linguist as Sir William Jones was than to become a good Chinese scholar. You may count upon your fingers the Europeans whose industry and genius, even when stimulated by the most fervent religious zeal, has triumphed over the difficulties of a language without an alphabet. Here, then, is a country separated from us physically by half the globe, separated from us still more effectually by the barriers which the most jealous of all governments and the hardest of all languages oppose to the researches of strangers. Is it, then, reasonable to blame my noble friend because he has not sent to our envoys in such

a country as this instructions as full and precise as it would have been his duty to send to a minister at Brussels or at the Hague? The right honorable Baronet who comes forward as the accuser on this occasion is really accusing himself. He was a member of the government of Lord Grey. He was himself concerned in framing the first instructions which were given by my noble friend to our first Superintendent at Canton. For those instructions the right honorable Baronet frankly admits that he is himself responsible. Are those instructions, then, very copious and minute? Not at all. They merely lay down general principles. The resident, for example, is enjoined to respect national usages, and to avoid whatever may shock the prejudices of the Chinese; but no orders are given him as to matters of detail. In 1834 my noble friend quitted the Foreign Office, and the Duke of Wellington went to it. Did the Duke of Wellington send out those copious and exact directions with which, according to the right honorable Baronet, the government is bound to furnish its agent in China? No, Sir; the Duke of Wellington, grown old in the conduct of great affairs, knows better than anybody that a man of very ordinary ability at Canton is likely to be a better judge of what ought to be done on an emergency arising at Canton than the greatest politician at Westminster can possibly be. His Grace, therefore, like a wise man as he is, wrote only one letter to the Superintendent, and in that letter merely referred the Superintendent to the general directions given by Lord Palmerston. And how, Sir, does the right honorable Baronet prove that, by persisting in the course which he himself took when in office, and which the Duke of Wellington took when in office, Her Majesty's present advisers have brought on that rupture which we all deplore? He has read us, from the voluminous papers which are on the table, much which has but a very remote connection with the question. He has said much about things which

happened before the present Ministry existed, and much about things which have happened at Canton since the rupture; but very little that is relevant to the issue raised by the resolution which he has himself proposed. That issue is simply this, whether the mismanagement of the present Ministry produced the rupture. I listened to his long and able speech with the greatest attention, and did my best to separate that part which had any relation to his motion from a great mass of extraneous matter. If my analysis be correct, the charge which he brings against the government consists of four articles.

The first article is, that the government omitted to alter that part of the original instructions which directed the Superintendent to reside at Canton.

The second article is, that the government omitted to alter that part of the original instructions which directed the Superintendent to communicate directly with the representatives of the Emperor.

The third article is, that the government omitted to follow the advice of the Duke of Wellington, who had left at the Foreign Office a memorandum recommending that a British ship of war should be stationed in the China sea.

The fourth article is, that the government omitted to authorize and empower the Superintendent to put down the contraband trade carried on by British subjects with China.

Such, Sir, are the counts of this indictment. Of these counts, the fourth is the only one which will require a lengthened defence. The first three may be disposed of in very few words.

As to the first, the answer is simple. It is true that the government did not revoke that part of the instructions which directed the Superintendent to reside at Canton: and it is true that this part of the instructions did at one time cause a dispute between the Superintendent and the Chinese authorities. But it is equally true

that this dispute was accommodated early in 1837; that the Chinese government furnished the Superintendent with a passport authorizing him to reside at Canton; that, during the two years which preceded the rupture, the Chinese government made no objection to his residing at Canton; and that there is not in all this huge blue book one word indicating that the rupture was caused, directly or indirectly, by his residing at Canton. On the first count, therefore, I am confident that the verdict must be, Not Guilty.

To the second count we have a similar answer. It is true that there was a dispute with the authorities at Canton about the mode of communication. But it is equally true that this dispute was settled by a compromise. The Chinese made a concession as to the channel of communication. The Superintendent made a concession as to the form of communication. The question had been thus set at rest before the rupture, and had absolutely nothing to do with the rupture.

As to the third charge, I must tell the right honorable Baronet that he has altogether misapprehended that memorandum which he so confidently cites. The Duke of Wellington did not advise the government to station a ship of war constantly in the China seas. The Duke, writing in 1835, at a time when the regular course of the trade had been interrupted, recommended that a ship of war should be stationed near Canton "till the trade should take its regular peaceable course." Those are His Grace's own words. Do they not imply that, when the trade had again taken its regular peaceable course, it might be right to remove the ship of war? Well, Sir, the trade, after that memorandum was written, did resume its regular peaceable course: that the right honorable Baronet himself will admit; for it is part of his own case that Sir George Robinson had succeeded in restoring quiet and security. The third charge, then, is simply this, that the Ministers did not do in a time of perfect

ARTHUR WELLESLEY, DUKE OF WELLINGTON







tranquillity what the Duke of Wellington thought that it would have been right to do in a time of trouble.

And now, Sir, I come to the fourth charge, the only real charge; for the other three are so futile that I hardly understand how the right honorable Baronet should have ventured to bring them forward. The fourth charge is, that the Ministers omitted to send to the Superintendent orders and powers to suppress the contraband trade, and that this omission was the cause of the rupture.

Now, Sir, let me ask whether it was not notorious, when the right honorable Baronet was in office, that British subjects carried on an extensive contraband trade with China? Did the right honorable Baronet and his colleagues instruct the Superintendent to put down that trade? Never. That trade went on while the Duke of Wellington was at the Foreign Office. Did the Duke of Wellington instruct the Superintendent to put down that trade? No, Sir, never. Are, then, the followers of the right honorable Baronet, are the followers of the Duke of Wellington, prepared to pass a vote of censure on us for following the example of the right honorable Baronet and of the Duke of Wellington? But I am understating my case. Since the present Ministers came into office, the reasons against sending out such instructions were much stronger than when the right honorable Baronet was in office, or when the Duke of Wellington was in office. Down to the month of May, 1838, my noble friend had good grounds for believing that the Chinese government was about to legalize the trade in opium. It is by no means easy to follow the windings of Chinese politics. But, it is certain that about four years ago the whole question was taken into serious consideration at Peking. The attention of the Emperor was called to the undoubted fact, that the law which forbade the trade in opium was a dead letter. That law had been intended to guard against two evils, which the Chinese legislators seem to have regarded with equal hor-

ror, the importation of a noxious drug, and the exportation of the precious metals. It was found, however, that as many pounds of opium came in, and that as many pounds of silver went out, as if there had been no such law. The only effect of the prohibition was that the people learned to think lightly of imperial edicts, and that no part of the great sums expended in the purchase of the forbidden luxury came into the imperial treasury. These considerations were set forth in a most luminous and judicious state paper, drawn up by Tang Tzee, President of the Sacrificial Offices. I am sorry to hear that this enlightened minister has been turned out of office on account of his liberality: for to be turned out of office is, I apprehend, a much more serious misfortune in China than in England. Tang Tzee argued that it was unwise to attempt to exclude opium, for that, while millions desired to have it, no law would keep it out, and that the manner in which it had long been brought in had produced an injurious effect both on the revenues of the state and on the morals of the people. Opposed to Tang Tzee was Tchu Sing, a statesman of a very different class, of a class which, I am sorry to say, is not confined to China. Tchu Sing appears to be one of those stanch Conservatives who, when they find that a law is inefficient because it is too severe, imagine that they can make it efficient by making it more severe still. His historical knowledge is much on a par with his legislative wisdom. He seems to have paid particular attention to the rise and progress of our Indian empire, and he informs his imperial master that opium is the weapon by which England effects her conquests. She had, it seems, persuaded the people of Hindostan to smoke and swallow this besotting drug, till they became so feeble in body and mind, that they were subjugated without difficulty. Some time appears to have elapsed before the Emperor made up his mind on the point in dispute between Tang Tzee and Tchu Sing. Our Superintendent, Captain

Elliot, was of opinion that the decision would be in favor of the rational view taken by Tang Tzee; and such, as I can myself attest, was, during part of the year 1837, the opinion of the whole mercantile community of Calcutta. Indeed, it was expected that every ship which arrived in the Hoogley from Canton would bring the news that the opium trade had been declared legal. Nor was it known in London till May, 1838, that the arguments of Tchu Sing had prevailed. Surely, Sir, it would have been most absurd to order Captain Elliot to suppress this trade at a time when everybody expected that it would soon cease to be contraband. The right honorable Baronet must, I think, himself admit that, till the month of May, 1838, the government here omitted nothing that ought to have been done.

The question before us is therefore reduced to very narrow limits. It is merely this: Ought my noble friend in May, 1838, to have sent out a dispatch commanding and empowering Captain Elliot to put down the opium trade? I do not think that it would have been right or wise to send out such a dispatch. Consider, Sir, with what powers it would have been necessary to arm the Superintendent. He must have been authorized to arrest, to confine, to send across the sea any British subject whom he might believe to have been concerned in introducing opium into China. I do not deny that, under the Act of Parliament, the government might have invested him with this dictatorship. But I do say that the government ought not lightly to invest any man with such a dictatorship, and that if, in consequence of directions sent out by the government, numerous subjects of Her Majesty had been taken into custody and shipped off to Bengal or to England without being permitted to wind up their affairs, this House would in all probability have called the Ministers to a strict account. Nor do I believe that by sending such directions the government would have averted the rupture which has taken place.

I will go further. I believe that, if such directions had been sent, we should now have been, as we are, at war with China; and that we should have been at war in circumstances singularly dishonorable and disastrous.

For, Sir, suppose that the Superintendent had been authorized and commanded by the government to put forth an order prohibiting British subjects from trading in opium; suppose that he had put forth such an order; how was he to enforce it? The right honorable Baronet has had too much experience of public affairs to imagine that a lucrative trade will be suppressed by a sheet of paper and a seal. In England we have a preventive service which costs us half a million a year. We employ more than fifty cruisers to guard our coasts. We have six thousand effective men whose business is to intercept smugglers. And yet everybody knows that every article which is much desired, which is easily concealed, and which is heavily taxed, is smuggled into our island to a great extent. The quantity of brandy which comes in without paying duty is known to be not less than six hundred thousand gallons a year. Some people think that the quantity of tobacco which is imported clandestinely is as great as the quantity which goes through the custom houses. Be this as it may, there is no doubt that the illicit importation is enormous. It has been proved before a Committee of this House that not less than four millions of pounds of tobacco have lately been smuggled into Ireland. And all this, observe, has been done in spite of the most efficient preventive service that, I believe, ever existed in the world. Consider, too, that the price of an ounce of opium is far, very far higher, than the price of a pound of tobacco. Knowing this, knowing that the whole power of King, Lords, and Commons cannot here put a stop to a traffic less easy and less profitable than the traffic in opium, can you believe that an order prohibiting the traffic in opium would have been readily obeyed? Remember by what powerful motives both the

buyer and the seller would have been impelled to deal with each other. The buyer would have been driven to the seller by something little short of torture, by a physical craving as fierce and impatient as any to which our race is subject. For, when stimulants of this sort have been long used, they are desired with a rage which resembles the rage of hunger. The seller would have been driven to the buyer by the hope of vast and rapid gain. And do you imagine that the intense appetite, on one side for what had become a necessary of life, and on the other for riches, would have been appeased by a few lines signed Charles Elliot? The very utmost effect which it is possible to believe that such an order would have produced would have been this, that the opium trade would have left Canton, where the dealers were under the eye of the Superintendent, and where they would have run some risk of being punished by him, and would have spread itself along the coast. If we know anything about the Chinese government, we know this, that its coast guard is neither trusty nor efficient; and we know that a coast guard as trusty and as efficient as our own would not be able to cut off communication between the merchant longing for silver and the smoker longing for his pipe. Whole fleets of vessels would have managed to land their cargoes along the shore. Conflicts would have arisen between our countrymen and the local magistrates, who would not, like the authorities at Canton, have had some knowledge of European habits and feelings. The mere *malum prohibitum* would, as usual, have produced the *mala in se*. The unlawful traffic would inevitably have led to a crowd of acts, not only unlawful, but immoral. The smuggler would, by the almost irresistible force of circumstances, have been turned into a pirate. We know that, even at Canton, where the smugglers stand in some awe of the authority of the Superintendent and of the opinion of an English society which contains many respectable persons, the illicit trade has caused

many brawls and outrages. What, then, was to be expected when every captain of a ship laden with opium would have been the sole judge of his own conduct? It is easy to guess what would have happened. A boat is sent ashore to fill the water casks and to buy fresh provisions. The provisions are refused. The sailors take them by force. Then a well is poisoned. Two or three of the ship's company die in agonies. The crew in a fury land, shoot and stab every man whom they meet, and sack and burn a village. Is this improbable? Have not similar causes repeatedly produced similar effects? Do we not know that the jealous vigilance with which Spain excluded the ships of other nations from her transatlantic possessions turned men who would otherwise have been honest merchant adventurers into buccaneers? The same causes which raised up one race of buccaneers in the Gulf of Mexico would soon have raised up another in the China Sea. And can we doubt what would in that case have been the conduct of the Chinese authorities at Canton? We see that Commissioner Lin has arrested and confined men of spotless character, men whom he had not the slightest reason to suspect of being engaged in any illicit commerce. He did so on the ground that some of their countrymen had violated the revenue laws of China. How, then, would he have acted if he had learned that the redheaded devils had not merely been selling opium, but had been fighting, plundering, slaying, burning? Would he not have put forth a proclamation in his most vituperative style, setting forth that the Outside Barbarians had undertaken to stop the contraband trade, but that they had been found deceivers, that the Superintendent's edict was a mere pretence, that there was more smuggling than ever, that to the smuggling had been added robbery and murder, and that therefore he should detain all men of the guilty race as hostages till reparation should be made? I say, therefore, that, if the Ministers had done that which the right honorable Baronet blames

them for not doing, we should only have reached by a worse way the point at which we now are.

I have now, Sir, gone through the four heads of the charge brought against the government; and I say with confidence that the interruption of our friendly relations with China cannot justly be imputed to any one of the omissions mentioned by the right honorable Baronet. In truth, if I could feel assured that no gentleman would vote for the motion without attentively reading it, and considering whether the proposition which it affirms has been made out, I should have no uneasiness as to the result of this debate. But I know that no member weighs the words of a resolution for which he is asked to vote, as he would weigh the words of an affidavit which he was asked to swear. And I am aware that some persons, for whose humanity and honesty I entertain the greatest respect, are inclined to divide with the right honorable Baronet, not because they think that he has proved his case, but because they have taken up a notion that we are making war for the purpose of forcing the government of China to admit opium into that country, and that, therefore, we richly deserve to be censured. Certainly, Sir, if we had been guilty of such absurdity and such atrocity as those gentlemen impute to us, we should deserve not only censure but condign punishment. But the imputation is altogether unfounded. Our course was clear. We may doubt indeed whether the Emperor of China judged well in listening to Tchu Sing and disgracing Tang Tzee. We may doubt whether it be a wise policy to exclude altogether from any country a drug which is often fatally abused, but which to those who use it rightly is one of the most precious boons vouchsafed by Providence to man, powerful to assuage pain, to soothe irritation, and to restore health. We may doubt whether it be a wise policy to make laws for the purpose of preventing the precious metals from being exported in the natural course of trade. We have

learned from all history, and from our own experience, that revenue cutters, custom house officers, informers, will never keep out of any country foreign luxuries of small bulk for which consumers are willing to pay high prices, and will never prevent gold and silver from going abroad in exchange for such luxuries. We cannot believe that what England, with her skilfully organized fiscal system and her gigantic marine, has never been able to effect, will be accomplished by the junks which are at the command of the mandarins of China. But, whatever our opinion on these points may be, we are perfectly aware that they are points which it belongs not to us but to the Emperor of China to decide. He had a perfect right to keep out opium and to keep in silver, if he could do so by means consistent with morality and public law. If his officers seized a chest of the forbidden drug, we were not entitled to complain; nor did we complain. But when, finding that they could not suppress the contraband trade by just means, they resorted to means flagrantly unjust, when they imprisoned our innocent countrymen, when they insulted our sovereign in the person of her representative, then it became our duty to demand satisfaction. Whether the opium trade be a pernicious trade is not the question. Take a parallel case: take the most execrable crime that ever was called a trade, the African slave trade. You will hardly say that a contraband trade in opium is more immoral than a contraband trade in negroes. We prohibited slave trading: we made it felony; we made it piracy; we invited foreign powers to join with us in putting it down; to some foreign powers we paid large sums in order to obtain their coöperation; we employed our naval force to intercept the kidnappers; and yet it is notorious that, in spite of all our exertions and sacrifices, great numbers of slaves were, even as late as ten or twelve years ago, introduced from Madagascar into our own island of Mauritius. Assuredly, it was our right, it was our

duty, to guard the coasts of that island strictly, to stop slave ships, to bring the buyers and sellers to punishment. But suppose, Sir, that a ship under French colours was seen skulking near the island, that the governor was fully satisfied from her build, her rigging, and her movements, that she was a slaver, and was only waiting for the night to put on shore the wretches who were in her hold. Suppose that, not having a sufficient naval force to seize this vessel, he were to arrest thirty or forty French merchants, most of whom had never been suspected of slave trading, and were to lock them up. Suppose that he were to lay violent hands on the French consul. Suppose that the governor were to threaten to starve his prisoners to death unless they produced the proprietor of the slaver. Would not the French government in such a case have a right to demand reparation? And, if we refused reparation, would not the French government have a right to exact reparation by arms? And would it be enough for us to say, "This is a wicked trade, an inhuman trade. Think of the misery of the poor creatures who are torn from their homes. Think of the horrors of the middle passage. Will you make war in order to force us to admit slaves into our colonies?" Surely the answer of the French would be, "We are not making war in order to force you to admit slaves into the Mauritius. By all means keep them out. By all means punish every man, French or English, whom you can convict of bringing them in. What we complain of is that you have confounded the innocent with the guilty, and that you have acted towards the representative of our government in a manner inconsistent with the law of nations. Do not, in your zeal for one great principle, trample on all the other great principles of morality." Just such are the grounds on which Her Majesty has demanded reparation from China. And was it not time? See, Sir, see how rapidly injury has followed injury. The Imperial Commissioner, embold-

ened by the facility with which he had perpetrated the first outrage, and utterly ignorant of the relative position of his country and ours in the scale of power and civilization, has risen in his requisitions. He began by confiscating property. His next demand was for innocent blood. A Chinese had been slain. Careful inquiry was made; but it was impossible to ascertain who was the slayer, or even to what nation the slayer belonged. No matter. It was notified to the Superintendent that some subject of the Queen, innocent or guilty, must be delivered up to suffer death. The Superintendent refused to comply. Then our countrymen at Canton were seized. Those who were at Macao were driven thence; not men alone, but women with child, babies at the breast. The fugitives begged in vain for a morsel of bread. Our Lascars, people of a different color from ours, but still our fellow subjects, were flung into the sea. An English gentleman was barbarously mutilated. And was this to be borne? I am far from thinking that we ought, in our dealings with such a people as the Chinese, to be litigious on points of etiquette. The place of our country among the nations of the world is not so mean or so ill-ascertained that we need resent mere impertinence, which is the effect of a very pitiable ignorance. Conscious of superior power, we can bear to hear our sovereign described as a tributary of the Celestial Empire. Conscious of superior knowledge, we can bear to hear ourselves described as savages destitute of every useful art. When our ambassadors were required to perform a prostration, which in Europe would have been considered as degrading, we were rather amused than irritated. It would have been unworthy of us to have recourse to arms on account of an uncivil phrase, or of a dispute about a ceremony. But this is not a question of phrases and ceremonies. The liberties and lives of Englishmen are at stake: and it is fit that all nations, civilized and uncivilized, should know that, wherever the Englishman

may wander, he is followed by the eye and guarded by the power of England.

I was much touched, and so, I dare say, were many other gentlemen, by a passage in one of Captain Elliot's dispatches. I mean that passage in which he describes his arrival at the factory in the moment of extreme danger. As soon as he landed he was surrounded by his countrymen, all in an agony of distress and despair. The first thing which he did was to order the British flag to be brought from his boat and planted in the balcony. The sight immediately revived the hearts of those who had a minute before given themselves up for lost. It was natural that they should look up with hope and confidence to that victorious flag. For it reminded them that they belonged to a country unaccustomed to defeat, to submission, or to shame; to a country which had exacted such reparation for the wrongs of her children as had made the ears of all who heard of it to tingle; to a country which had made the Dey of Algiers humble himself to the dust before her insulted Consul; to a country which had avenged the victims of the Black Hole on the Field of Plassey; to a country which had not degenerated since the great Protector vowed that he would make the name of Englishman as much respected as ever had been the name of Roman citizen. They knew that, surrounded as they were by enemies, and separated by great oceans and continents from all help, not a hair of their heads would be harmed with impunity. On this part of the subject I believe that both the great contending parties in this House are agreed. I did not detect in the speech of the right honorable Baronet — and I listened to that speech with the closest attention — one word indicating that he is less disposed than we to insist on full satisfaction for the great wrong which has been done. I cannot believe that the House will pass a vote of censure so grossly unjust as that which he has moved. But I rejoice to think that, whether we are censured or

not, the national honor will still be safe. There may be a change of men; but, as respects China, there will be no change of measures. I have done; and have only to express my fervent hope that this most righteous quarrel may be prosecuted to a speedy and triumphant close; that the brave men to whom is entrusted the task of exacting reparation may perform their duty in such a manner as to spread, throughout regions in which the English name is hardly known, the fame not only of English skill and valor, but of English mercy and moderation; and that the overruling care of that gracious Providence which has so often brought good out of evil may make the war to which we have been forced the means of establishing a durable peace, beneficial alike to the victors and the vanquished.

COPYRIGHT

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FEBRUARY 5, 1841

On the twenty-ninth of January, 1841, Mr. Serjeant Talfourd obtained leave to bring in a bill to amend the law of copyright. The object of this bill was to extend the term of copyright in a book to sixty years, reckoned from the death of the writer.

On the fifth of February Mr. Serjeant Talfourd moved that the bill should be read a second time. In reply to him the following Speech was made. The bill was rejected by 45 votes to 38.

THOUGH, Sir, it is in some sense agreeable to approach a subject with which political animosities have nothing to do, I offer myself to your notice with some reluctance. It is painful to me to take a course which may possibly be misunderstood or misrepresented as unfriendly to the interests of literature and literary men. It is painful to me, I will add, to oppose my honorable and learned friend on a question which he has taken up from the purest motives, and which he regards with a parental interest. These feelings have hitherto kept me silent when the law of copyright has been under discussion. But as I am, on full consideration, satisfied that the measure before us will, if adopted, inflict grievous injury on the public, without conferring any compensating advantage on men of letters, I think it my duty to avow that opinion and to defend it.

The first thing to be done, Sir, is to settle on what principles the question is to be argued. Are we free to

legislate for the public good, or are we not? Is this a question of expediency, or is it a question of right? Many of those who have written and petitioned against the existing state of things treat the question as one of right. The law of nature, according to them, gives to every man a sacred and indefeasible property in his own ideas, in the fruits of his own reason and imagination. The legislature has indeed the power to take away this property, just as it has the power to pass an act of attainder for cutting off an innocent man's head without a trial. But, as such an act of attainder would be legal murder, so would an act invading the right of an author to his copy be, according to these gentlemen, legal robbery.

Now, Sir, if this be so, let justice be done, cost what it may. I am not prepared, like my honorable and learned friend, to agree to a compromise between right and expediency, and to commit an injustice for the public convenience. But I must say, that his theory soars far beyond the reach of my faculties. It is not necessary to go, on the present occasion, into a metaphysical inquiry about the origin of the right of property; and certainly nothing but the strongest necessity would lead me to discuss a subject so likely to be distasteful to the House. I agree, I own, with Paley in thinking that property is the creature of the law, and that the law which creates property can be defended only on this ground, that it is a law beneficial to mankind. But it is unnecessary to debate that point. For, even if I believed in a natural right of property, independent of utility and anterior to legislation, I should still deny that this right could survive the original proprietor. Few, I apprehend, even of those who have studied in the most mystical and sentimental schools of moral philosophy, will be disposed to maintain that there is a natural law of succession older and of higher authority than any human code. If there be, it is quite certain that we have abuses to reform much more serious than any connected with the

question of copyright. For this natural law can be only one; and the modes of succession in the Queen's dominions are twenty. To go no further than England, land generally descends to the eldest son. In Kent the sons share and share alike. In many districts the youngest takes the whole. Formerly a portion of a man's personal property was secured to his family; and it was only of the residue that he could dispose by will. Now he can dispose of the whole by will: but you limited his power, a few years ago, by enacting that the will should not be valid unless there were two witnesses. If a man dies intestate, his personal property generally goes according to the statute of distributions; but there are local customs which modify that statute. Now, which of all these systems is conformed to the eternal standard of right? Is it primogeniture, or gavelkind, or borough English? Are wills *jure divino*? Are the two witnesses *jure divino*? Might not the *pars rationabilis* of our old law have a fair claim to be regarded as of celestial institution? Was the statute of distributions enacted in Heaven long before it was adopted by Parliament? Or is it to Custom of York, or to Custom of London that this pre-eminence belongs? Surely, Sir, even those who hold that there is a natural right of property must admit that rules prescribing the manner in which the effects of deceased persons shall be distributed are purely arbitrary, and originate altogether in the will of the legislature. If so, Sir, there is no controversy between my honorable and learned friend and myself as to the principles on which this question is to be argued. For the existing law gives an author copyright during his natural life; nor do I propose to invade that privilege, which I should, on the contrary, be prepared to defend strenuously against any assailant. The only point in issue between us is, how long after an author's death the state shall recognize a copyright in his representatives and assigns; and it can, I think, hardly be disputed by any rational man that this

is a point which the legislature is free to determine in the way which may appear to be most conducive to the general good.

We may now, therefore, I think, descend from these high regions, where we are in danger of being lost in the clouds, to firm ground and clear light. Let us look at this question like legislators, and after fairly balancing conveniences and inconveniences, pronounce between the existing law of copyright and the law now proposed to us. The question of copyright, Sir, like most questions of civil prudence, is neither black nor white, but gray. The system of copyright has great advantages and great disadvantages; and it is our business to ascertain what these are, and then to make an arrangement under which the advantages may be as far as possible secured, and the disadvantages as far as possible excluded. The charge which I bring against my honorable and learned friend's bill is this, that it leaves the advantages nearly what they are at present, and increases the disadvantages at least fourfold.

The advantages arising from a system of copyright are obvious. It is desirable that we should have a supply of good books: we cannot have such a supply unless men of letters are liberally remunerated; and the least objectionable way of remunerating them is by means of copyright. You cannot depend for literary instruction and amusement on the leisure of men occupied in the pursuits of active life. Such men may occasionally produce compositions of great merit. But you must not look to such men for works which require deep meditation and long research. Works of that kind you can expect only from persons who make literature the business of their lives. Of these persons few will be found among the rich and the noble. The rich and the noble are not impelled to intellectual exertion by necessity. They may be impelled to intellectual exertion by the desire of distinguishing themselves, or by the desire of benefiting the

community. But it is generally within these walls that they seek to signalize themselves and to serve their fellow creatures. Both their ambition and their public spirit, in a country like this, naturally take a political turn. It is, then, on men whose profession is literature, and whose private means are not ample, that you must rely for a supply of valuable books. Such men must be remunerated for their literary labor. And there are only two ways in which they can be remunerated. One of those ways is patronage; the other is copyright.

There have been times in which men of letters looked, not to the public, but to the government, or to a few great men, for the reward of their exertions. It was thus in the time of Mæcenas and Pollio at Rome, of the Medici at Florence, of Lewis the Fourteenth in France, of Lord Halifax and Lord Oxford in this country. Now, Sir, I well know that there are cases in which it is fit and graceful, nay, in which it is a sacred duty to reward the merits or to relieve the distresses of men of genius by the exercise of this species of liberality. But these cases are exceptions. I can conceive no system more fatal to the integrity and independence of literary men than one under which they should be taught to look for their daily bread to the favor of ministers and nobles. I can conceive no system more certain to turn those minds which are formed by nature to be the blessings and ornaments of our species into public scandals and pests.

We have, then, only one resource left. We must betake ourselves to copyright, be the inconveniences of copyright what they may. Those inconveniences, in truth, are neither few nor small. Copyright is monopoly, and produces all the effects which the general voice of mankind attributes to monopoly. My honorable and learned friend talks very contemptuously of those who are led away by the theory that monopoly makes things dear. That monopoly makes things dear is cer-

tainly a theory, as all the great truths which have been established by the experience of all ages and nations, and which are taken for granted in all reasonings, may be said to be theories. It is a theory in the same sense in which it is a theory, that day and night follow each other, that lead is heavier than water, that bread nourishes, that arsenic poisons, that alcohol intoxicates. If, as my honorable and learned friend seems to think, the whole world is in the wrong on this point, if the real effect of monopoly is to make articles good and cheap, why does he stop short in his career of change? Why does he limit the operation of so salutary a principle to sixty years? Why does he consent to anything short of a perpetuity? He told us that in consenting to anything short of a perpetuity he was making a compromise between extreme right and expediency. But if his opinion about monopoly be correct, extreme right and expediency would coincide. Or rather, why should we not restore the monopoly of the East India trade to the East India Company? Why should we not revive all those old monopolies which, in Elizabeth's reign, galled our fathers so severely that, maddened by intolerable wrong, they opposed to their sovereign a resistance before which her haughty spirit quailed for the first and for the last time? Was it the cheapness and excellence of commodities that then so violently stirred the indignation of the English people? I believe, Sir, that I may safely take it for granted that the effect of monopoly generally is to make articles scarce, to make them dear, and to make them bad. And I may with equal safety challenge my honorable friend to find out any distinction between copyright and other privileges of the same kind; any reason why a monopoly of books should produce an effect directly the reverse of that which was produced by the East India Company's monopoly of tea, or by Lord Essex's monopoly of sweet wines. Thus, then, stands the case. It is good that authors should be remunerated; and the least

exceptionable way of remunerating them is by a monopoly. Yet monopoly is an evil. For the sake of the good we must submit to the evil; but the evil ought not to last a day longer than is necessary for the purpose of securing the good.

Now, I will not affirm, that the existing law is perfect, that it exactly hits the point at which the monopoly ought to cease; but this I confidently say, that the existing law is very much nearer that point than the law proposed by my honorable and learned friend. For consider this; the evil effects of the monopoly are proportioned to the length of its duration. But the good effects for the sake of which we bear with the evil effects are by no means proportioned to the length of its duration. A monopoly of sixty years produces twice as much evil as a monopoly of thirty years, and thrice as much evil as a monopoly of twenty years. But it is by no means the fact that a posthumous monopoly of sixty years gives to an author thrice as much pleasure and thrice as strong a motive as a posthumous monopoly of twenty years. On the contrary, the difference is so small as to be hardly perceptible. We all know how faintly we are affected by the prospect of very distant advantages, even when they are advantages which we may reasonably hope that we shall ourselves enjoy. But an advantage that is to be enjoyed more than half a century after we are dead, by somebody, we know not by whom, perhaps by somebody unborn, by somebody utterly unconnected with us, is really no motive at all to action. It is very probable, that in the course of some generations, land in the unexplored and unmapped heart of the Australasian continent, will be very valuable. But there is none of us who would lay down five pounds for a whole province in the heart of the Australasian continent. We know, that neither we, nor anybody for whom we care, will ever receive a farthing of rent from such a province. And a man is very little moved by the thought that in the year

2000 or 2100, somebody who claims through him will employ more shepherds than Prince Esterhazy, and will have the finest house and gallery of pictures at Victoria or Sydney. Now, this is the sort of boon which my honorable and learned friend holds out to authors. Considered as a boon to them, it is a mere nullity; but, considered as an impost on the public, it is no nullity, but a very serious and pernicious reality. I will take an example. Dr. Johnson died fifty-six years ago. If the law were what my honorable and learned friend wishes to make it, somebody would now have the monopoly of Dr. Johnson's works. Who that somebody would be it is impossible to say; but we may venture to guess. I guess, then, that it would have been some bookseller, who was the assign of another bookseller, who was the grandson of a third bookseller, who had bought the copyright from Black Frank, the Doctor's servant and residuary legatee, in 1785 or 1786. Now, would the knowledge that this copyright would exist in 1841 have been a source of gratification to Johnson? Would it have stimulated his exertions? Would it have once drawn him out of his bed before noon? Would it have once cheered him under a fit of the spleen? Would it have induced him to give us one more allegory, one more life of a poet, one more imitation of Juvenal? I firmly believe not. I firmly believe that a hundred years ago, when he was writing our debates for the Gentleman's Magazine, he would very much rather have had twopence to buy a plate of shin of beef at a cook's shop underground. Considered as a reward to him, the difference between a twenty years' term and a sixty years' term of posthumous copyright would have been nothing or next to nothing. But is the difference nothing to us? I can buy *Rasselas* for sixpence; I might have had to give five shillings for it. I can buy the Dictionary, the entire genuine Dictionary, for two guineas, perhaps for less; I might have had to give five or six guineas for it. Do

I grudge this to a man like Dr. Johnson? Not at all. Show me that the prospect of this boon roused him to any vigorous effort, or sustained his spirits under depressing circumstances, and I am quite willing to pay the price of such an object, heavy as that price is. But what I do complain of is that my circumstances are to be worse, and Johnson's none the better; that I am to give five pounds for what to him was not worth a farthing.

The principle of copyright is this. It is a tax on readers for the purpose of giving a bounty to writers. The tax is an exceedingly bad one; it is a tax on one of the most innocent and most salutary of human pleasures; and never let us forget, that a tax on innocent pleasures is a premium on vicious pleasures. I admit, however, the necessity of giving a bounty to genius and learning. In order to give such a bounty, I willingly submit even to this severe and burdensome tax. Nay, I am ready to increase the tax, if it can be shown that by so doing I should proportionally increase the bounty. My complaint is, that my honorable and learned friend doubles, triples, quadruples, the tax, and makes scarcely any perceptible addition to the bounty. Why, Sir, what is the additional amount of taxation which would have been levied on the public for Dr. Johnson's works alone, if my honorable and learned friend's bill had been the law of the land? I have not data sufficient to form an opinion. But I am confident that the taxation on his Dictionary alone would have amounted to many thousands of pounds. In reckoning the whole additional sum which the holders of his copyrights would have taken out of the pockets of the public during the last half century at twenty thousand pounds, I feel satisfied that I very greatly underrate it. Now, I again say that I think it but fair that we should pay twenty thousand pounds in consideration of twenty thousand pounds worth of pleasure and encouragement received by Dr. Johnson. But

I think it very hard that we should pay twenty thousand pounds for what he would not have valued at five shillings.

My honorable and learned friend dwells on the claims of the posterity of great writers. Undoubtedly, Sir, it would be very pleasing to see a descendant of Shakespeare living in opulence on the fruits of his great ancestor's genius. A house maintained in splendor by such a patrimony would be a more interesting and striking object than Blenheim is to us, or than Strathfieldsaye will be to our children. But, unhappily, it is scarcely possible that, under any system, such a thing can come to pass. My honorable and learned friend does not propose that copyright shall descend to the eldest son, or shall be bound up by irrevocable entail. It is to be merely personal property. It is therefore highly improbable that it will descend during sixty years or half that term from parent to child. The chance is that more people than one will have an interest in it. They will in all probability sell it and divide the proceeds. The price which a bookseller will give for it will bear no proportion to the sum which he will afterwards draw from the public, if his speculation proves successful. He will give little, if anything, more for a term of sixty years than for a term of thirty or five and twenty. The present value of a distant advantage is always small; but when there is great room to doubt whether a distant advantage will be any advantage at all, the present value sinks to almost nothing. Such is the inconstancy of the public taste that no sensible man will venture to pronounce, with confidence, what the sale of any book published in our days will be in the years between 1890 and 1900. The whole fashion of thinking and writing has often undergone a change in a much shorter period than that to which my honorable and learned friend would extend posthumous copyright. What would have been considered the best literary property in the earlier part of

Charles the Second's reign? I imagine Cowley's poems. Overleap sixty years, and you are in the generation of which Pope asked, "Who now reads Cowley?" What works were ever expected with more impatience by the public than those of Lord Bolingbroke, which appeared, I think, in 1754. In 1814 no bookseller would have thanked you for the copyright of them all, if you had offered it to him for nothing. What would Paternoster Row give now for the copyright of Hayley's *Triumphs of Temper*, so much admired within the memory of many people still living? I say, therefore, that, from the very nature of literary property, it will almost always pass away from an author's family; and I say, that the price given for it to the family will bear a very small proportion to the tax which the purchaser, if his speculation turns out well, will in the course of a long series of years levy on the public.

If, Sir, I wished to find a strong and perfect illustration of the effects which I anticipate from long copyright, I should select, — my honorable and learned friend will be surprised, — I should select the case of Milton's granddaughter. As often as this bill has been under discussion, the fate of Milton's granddaughter has been brought forward by the advocates of monopoly. My honorable and learned friend has repeatedly told the story with great eloquence and effect. He has dilated on the sufferings, on the abject poverty, of this ill-fated woman, the last of an illustrious race. He tells us that, in the extremity of her distress, Garrick gave her a benefit, that Johnson wrote a prologue, and that the public contributed some hundreds of pounds. Was it fit, he asks, that she should receive, in this eleemosynary form, a small portion of what was in truth a debt? Why, he asks, instead of obtaining a pittance from charity, did she not live in comfort and luxury on the proceeds of the sale of her ancestor's works? But, Sir, will my honorable and learned friend tell me that this event, which he

has so often and so pathetically described, was caused by the shortness of the term of copyright? Why, at that time, the duration of copyright was longer than even he, at present, proposes to make it. The monopoly lasted not sixty years, but forever. At the time at which Milton's granddaughter asked charity, Milton's works were the exclusive property of a bookseller. Within a few months of the day on which the benefit was given at Garrick's theatre, the holder of the copyright of *Paradise Lost* — I think it was Tonson — applied to the Court of Chancery for an injunction against a bookseller, who had published a cheap edition of the great epic poem, and obtained the injunction. The representation of Comus was, if I remember rightly, in 1750; the injunction in 1752. Here, then, is a perfect illustration of the effect of long copyright. Milton's works are the property of a single publisher. Everybody who wants them must buy them at Tonson's shop, and at Tonson's price. Whoever attempts to undersell Tonson is harassed with legal proceedings. Thousands who would gladly possess a copy of *Paradise Lost*, must forego that great enjoyment. And what, in the meantime, is the situation of the only person for whom we can suppose that the author, protected at such a cost to the public, was at all interested? She is reduced to utter destitution. Milton's works are under a monopoly. Milton's granddaughter is starving. The reader is pillaged; but the writer's family is not enriched. Society is taxed doubly. It has to give an exorbitant price for the poems; and it has at the same time to give alms to the only surviving descendant of the poet.

But this is not all. I think it right, Sir, to call the attention of the House to an evil, which is perhaps more to be apprehended when an author's copyright remains in the hands of his family, than when it is transferred to booksellers. I seriously fear that, if such a measure as this should be adopted, many valuable works will be

either totally suppressed or grievously mutilated. I can prove that this danger is not chimerical; and I am quite certain that, if the danger be real, the safeguards which my honorable and learned friend has devised are altogether nugatory. That the danger is not chimerical may easily be shown. Most of us, I am sure, have known persons who, very erroneously as I think, but from the best motives, would not choose to reprint Fielding's novels, or Gibbon's History of the Decline and Fall of the Roman Empire. Some gentlemen may perhaps be of opinion, that it would be as well if Tom Jones and Gibbon's History were never reprinted. I will not, then, dwell on these or similar cases. I will take cases respecting which it is not likely that there will be any difference of opinion here; cases, too, in which the danger of which I now speak is not matter of supposition, but matter of fact. Take Richardson's novels. Whatever I may, on the present occasion, think of my honorable and learned friend's judgment as a legislator, I must always respect his judgment as a critic. He will, I am sure, say that Richardson's novels are among the most valuable, among the most original works in our language. No writings have done more to raise the fame of English genius in foreign countries. No writings are more deeply pathetic. No writings, those of Shakespeare excepted, show more profound knowledge of the human heart. As to their moral tendency, I can cite the most respectable testimony. Dr. Johnson describes Richardson as one who had taught the passions to move at the command of virtue. My dear and honored friend, Mr. Wilberforce, in his celebrated religious treatise, when speaking of the unchristian tendency of the fashionable novels of the eighteenth century, distinctly excepts Richardson from the censure. Another excellent person whom I can never mention without respect and kindness, Mrs. Hannah More, often declared in conversation, and has declared in one of her published

poems, that she first learned from the writings of Richardson those principles of piety by which her life was guided. I may safely say that books celebrated as works of art through the whole civilized world, and praised for their moral tendency by Dr. Johnson, by Mr. Wilberforce, by Mrs. Hannah More, ought not to be suppressed. Sir, it is my firm belief, that if the law had been what my honorable and learned friend proposes to make it, they would have been suppressed. I remember Richardson's grandson well; he was a clergyman in the city of London; he was a most upright and excellent man: but he had conceived a strong prejudice against works of fiction. He thought all novel-reading not only frivolous but sinful. He said,—this I state on the authority of one of his clerical brethren who is now a bishop,—he said that he had never thought it right to read one of his grandfather's books. Suppose, Sir, that the law had been what my honorable and learned friend would make it. Suppose that the copyright of Richardson's novels had descended, as might well have been the case, to this gentleman. I firmly believe, that he would have thought it sinful to give them a wide circulation. I firmly believe, that he would not for a hundred thousand pounds have deliberately done what he thought sinful. He would not have reprinted them. And what protection does my honorable and learned friend give to the public in such a case? Why, Sir, what he proposes is this: if a book is not reprinted during five years, any person who wishes to reprint it may give notice in the London Gazette: the advertisement must be repeated three times: a year must elapse; and then, if the proprietor of the copyright does not put forth a new edition, he loses his exclusive privilege. Now, what protection is this to the public? What is a new edition? Does the law define the number of copies that make an edition? Does it limit the price of a copy? Are twelve copies on large paper, charged at thirty guineas each, an

edition? It has been usual, when monopolies have been granted, to prescribe numbers and to limit prices. But I do not find that my honorable and learned friend proposes to do so in the present case. And, without some such provision, the security which he offers is manifestly illusory. It is my conviction, that under such a system as that which he recommends to us, a copy of *Clarissa* would have been as rare as an Aldus or a Caxton.

I will give another instance. One of the most instructive, interesting, and delightful books in our language is *Boswell's Life of Johnson*. Now, it is well known that Boswell's eldest son considered this book, considered the whole relation of Boswell to Johnson, as a blot in the escutcheon of the family. He thought, not perhaps altogether without reason, that his father had exhibited himself in a ludicrous and degrading light. And thus he became so sore and irritable that at last he could not bear to hear the *Life of Johnson* mentioned. Suppose that the law had been what my honorable and learned friend wishes to make it. Suppose that the copyright of *Boswell's Life of Johnson* had belonged, as it well might, during sixty years, to Boswell's eldest son. What would have been the consequence? An unadulterated copy of the finest biographical work in the world would have been as scarce as the first edition of Camden's *Britannia*.

These are strong cases. I have shown you that, if the law had been what you are now going to make it, the finest prose work of fiction in the language, the finest biographical work in the language, would very probably have been suppressed. But I have stated my case weakly. The books which I have mentioned are singularly inoffensive books, books not touching on any of those questions which drive even wise men beyond the bounds of wisdom. There are books of a very different kind, books which are the rallying points of great political and religious parties. What is likely to happen if the copyright of

one of these books should by descent or transfer come into the possession of some hostile zealot? I will take a single instance. It is only fifty years since John Wesley died; and all his works, if the law had been what my honorable and learned friend wishes to make it, would now have been the property of some person or other. The sect founded by Wesley is the most numerous, the wealthiest, the most powerful, the most zealous of sects. In every parliamentary election it is a matter of the greatest importance to obtain the support of the Wesleyan Methodists. Their numerical strength is reckoned by hundreds of thousands. They hold the memory of their founder in the greatest reverence; and not without reason, for he was unquestionably a great and a good man. To his authority they constantly appeal. His works are in their eyes of the highest value. His doctrinal writings they regard as containing the best system of theology ever deduced from Scripture. His journals, interesting even to the common reader, are peculiarly interesting to the Methodist: for they contain the whole history of that singular polity which, weak and despised in its beginning, is now, after the lapse of a century, so strong, so flourishing, and so formidable. The hymns to which he gave his Imprimatur are a most important part of the public worship of his followers. Now, suppose that the copyright of these works should belong to some person who holds the memory of Wesley and the doctrines and discipline of the Methodists in abhorrence. There are many such persons. The Ecclesiastical Courts are at this very time sitting on the case of a clergyman of the Established Church who refused Christian burial to a child baptized by a Methodist preacher. I took up the other day a work which is considered as among the most respectable organs of a large and growing party in the Church of England, and there I saw John Wesley designated as a forsworn priest. Suppose that the works of Wesley were suppressed. Why, Sir, such a griev-

ance would be enough to shake the foundations of government. Let gentlemen who are attached to the Church reflect for a moment what their feelings would be if the Book of Common Prayer were not to be reprinted for thirty or forty years, if the price of a Book of Common Prayer were run up to five or ten guineas. And then let them determine whether they will pass a law under which it is possible, under which it is probable, that so intolerable a wrong may be done to some sect consisting perhaps of half a million of persons.

I am so sensible, Sir, of the kindness with which the House has listened to me, that I will not detain you longer. I will only say this, that if the measure before us should pass, and should produce one tenth part of the evil which it is calculated to produce, and which I fully expect it to produce, there will soon be a remedy, though of a very objectionable kind. Just as the absurd acts which prohibited the sale of game were virtually repealed by the poacher, just as many absurd revenue acts have been virtually repealed by the smuggler, so will this law be virtually repealed by piratical booksellers. At present the holder of copyright has the public feeling on his side. Those who invade copyright are regarded as knaves who take the bread out of the mouths of deserving men. Everybody is well pleased to see them restrained by the law, and compelled to refund their ill-gotten gains. No tradesmen of good repute will have anything to do with such disgraceful transactions. Pass this law: and that feeling is at an end. Men very different from the present race of piratical booksellers will soon infringe this intolerable monopoly. Great masses of capital will be constantly employed in the violation of the law. Every art will be employed to evade legal pursuit; and the whole nation will be in the plot. On which side, indeed, should the public sympathy be when the question is whether some book as popular as Robinson Crusoe, or the Pilgrim's Progress, shall be in every cottage, or

whether it shall be confined to the libraries of the rich for the advantage of the great-grandson of a bookseller who, a hundred years before, drove a hard bargain for the copyright with the author when in great distress? Remember, too, that when once it ceases to be considered as wrong and discreditable to invade literary property, no person can say where the invasion will stop. The public seldom makes nice distinctions. The wholesome copyright which now exists will share in the disgrace and danger of the new copyright which you are about to create. And you will find that, in attempting to impose unreasonable restraints on the reprinting of the works of the dead, you have, to a great extent, annulled those restraints which now prevent men from pillaging and defrauding the living. If I saw, Sir, any probability that this bill could be so amended in the Committee that my objections might be removed, I would not divide the House in this stage. But I am so fully convinced that no alteration which would not seem insupportable to my honorable and learned friend, could render his measure supportable to me, that I must move, though with regret, that this bill be read a second time this day six months.

COPYRIGHT

II

APRIL 6, 1842

On the third of March, 1842, Lord Mahon obtained permission to bring in a bill to amend the Law of Copyright. This bill extended the term of Copyright in a book to twenty-five years, reckoned from the death of the author.

On the sixth of April the House went into Committee on the bill, and Mr. Greene took the Chair. Several divisions took place, of which the result was that the plan suggested in the following Speech was, with some modifications, adopted.

MR. GREENE, —

I have been amused and gratified by the remarks which my noble friend¹ has made on the arguments by which I prevailed on the last House of Commons to reject the bill introduced by a very able and accomplished man, Mr. Serjeant Talfourd. My noble friend has done me a high and rare honor. For this is, I believe, the first occasion on which a speech made in one Parliament has been answered in another. I should not find it difficult to vindicate the soundness of the reasons which I formerly urged, to set them in a clearer light, and to fortify them by additional facts. But it seems to me that we had better discuss the bill which is now on our table than the bill which was there fourteen months ago. Glad I am to find that there is a very wide difference between the two bills, and that my noble friend, though he has tried to refute my arguments, has acted as if he had been convinced by them. I objected to the term of

¹ Lord Mahon.

sixty years as far too long. My noble friend has cut that term down to twenty-five years. I warned the House that, under the provisions of Mr. Serjeant Talfourd's bill, valuable works might not improbably be suppressed by the representatives of authors. My noble friend has prepared a clause which, as he thinks, will guard against that danger. I will not, therefore, waste the time of the Committee by debating points which he has conceded, but will proceed at once to the proper business of this evening.

Sir, I have no objection to the principle of my noble friend's bill. Indeed, I had no objection to the principle of the bill of last year. I have long thought that the term of copyright ought to be extended. When Mr. Serjeant Talfourd moved for leave to bring in his bill, I did not oppose the motion. Indeed, I meant to vote for the second reading, and to reserve what I had to say for the Committee. But the learned Serjeant left me no choice. He, in strong language, begged that nobody who was disposed to reduce the term of sixty years would divide with him. "Do not," he said, "give me your support if all that you mean to grant to men of letters is a miserable addition of fourteen or fifteen years to the present term. I do not wish for such support. I despise it." Not wishing to obtrude on the learned Serjeant a support which he despised, I had no course left but to take the sense of the House on the second reading. The circumstances are now different. My noble friend's bill is not at present a good bill; but it may be improved into a very good bill; nor will he, I am persuaded, withdraw it if it should be so improved. He and I have the same object in view; but we differ as to the best mode of attaining that object. We are equally desirous to extend the protection now enjoyed by writers. In what way it may be extended with most benefit to them and with least inconvenience to the public, is the question.

The present state of the law is this. The author of a work has a certain copyright in that work for a term of twenty-eight years. If he should live more than twenty-eight years after the publication of the work, he retains the copyright to the end of his life.

My noble friend does not propose to make any addition to the term of twenty-eight years. But he proposes that the copyright shall last twenty-five years after the author's death. Thus my noble friend makes no addition to that term which is certain, but makes a very large addition to that term which is uncertain.

My plan is different. I would make no addition to the uncertain term; but I would make a large addition to the certain term. I propose to add fourteen years to the twenty-eight years which the law now allows to an author. His copyright will, in this way, last till his death, or till the expiration of forty-two years, whichever shall first happen. And I think that I shall be able to prove to the satisfaction of the Committee that my plan will be more beneficial to literature and to literary men than the plan of my noble friend.

It must surely, Sir, be admitted that the protection which we give to books ought to be distributed as evenly as possible, that every book should have a fair share of that protection, and no book more than a fair share. It would evidently be absurd to put tickets into a wheel, with different numbers marked upon them, and to make writers draw, one a term of twenty-eight years, another a term of fifty, another a term of ninety. And yet this sort of lottery is what my noble friend proposes to establish. I know that we cannot altogether exclude chance. You have two terms of copyright; one certain, the other uncertain; and we cannot, I admit, get rid of the uncertain term. It is proper, no doubt, that an author's copyright should last during his life. But, Sir, though we cannot altogether exclude chance, we can very much diminish the share which chance must have in distrib-

uting the recompense which we wish to give to genius and learning. By every addition which we make to the certain term we diminish the influence of chance; by every addition which we make to the uncertain term we increase the influence of chance. I shall make myself best understood by putting cases. Take two eminent female writers, who died within our own memory, Madame D'Arblay and Miss Austen. As the law now stands, Miss Austen's charming novels would have only from twenty-eight to thirty-three years of copyright. For that extraordinary woman died young: she died before her genius was fully appreciated by the world. Madame D'Arblay outlived the whole generation to which she belonged. The copyright of her celebrated novel, *Evelina*, lasted, under the present law, sixty-two years. Surely this inequality is sufficiently great, sixty-two years of copyright for *Evelina*, only twenty-eight for *Persuasion*. But to my noble friend this inequality seems not great enough. He proposes to add twenty-five years to Madame D'Arblay's term, and not a single day to Miss Austen's term. He would give to *Persuasion* a copyright of only twenty-eight years, as at present, and to *Evelina* a copyright more than three times as long, a copyright of eighty-seven years. Now, is this reasonable? See, on the other hand, the operation of my plan. I make no addition at all to Madame D'Arblay's term of sixty-two years, which is, in my opinion, quite long enough; but I extend Miss Austen's term to forty-two years, which is, in my opinion, not too much. You see, Sir, that at present chance has too much sway in this matter; that at present the protection which the state gives to letters is very unequally given. You see that if my noble friend's plan be adopted, more will be left to chance than under the present system, and you will have such inequalities as are unknown under the present system. You see also that, under the system which I recommend, we shall have, not perfect certainty, not per-

fect equality, but much less uncertainty and inequality than at present.

But this is not all. My noble friend's plan is not merely to institute a lottery in which some writers will draw prizes and some will draw blanks. It is much worse than this. His lottery is so contrived that, in the vast majority of cases, the blanks will fall to the best books, and the prizes to books of inferior merit.

Take Shakespeare. My noble friend gives a longer protection than I should give to *Love's Labour's Lost*, and *Pericles, Prince of Tyre*; but he gives a shorter protection than I should give to *Othello* and *Macbeth*.

Take Milton. Milton died in 1674. The copyrights of Milton's great works would, according to my noble friend's plan, expire in 1699. *Comus* appeared in 1634, the *Paradise Lost* in 1668. To *Comus*, then, my noble friend would give sixty-five years of copyright, and to the *Paradise Lost* only thirty-one years. Is that reasonable? *Comus* is a noble poem: but who would rank it with the *Paradise Lost*? My plan would give forty-two years both to the *Paradise Lost* and to *Comus*.

Let us pass on from Milton to Dryden. My noble friend would give more than sixty years of copyright to Dryden's worst works; to the encomiastic verses on Oliver Cromwell, to the *Wild Gallant*, to the *Rival Ladies*, to other wretched pieces as bad as anything written by Flecknoe or Settle: but for *Theodore* and *Honorina*, for *Tancred* and *Sigismunda*, for *Cimon* and *Iphigenia*, for *Palamon* and *Arcite*, for *Alexander's Feast*, my noble friend thinks a copyright of twenty-eight years sufficient. Of all Pope's works, that to which my noble friend would give the largest measure of protection is the volume of *Pastorals*, remarkable only as the production of a boy. Johnson's first work was a *Translation of a Book of Travels in Abyssinia*, published in 1735. It was so poorly executed that in his later years he did not like to hear it mentioned. Boswell once picked up

a copy of it, and told his friend that he had done so. "Do not talk about it," said Johnson; "it is a thing to be forgotten." To this performance my noble friend would give protection during the enormous term of seventy-five years. To the *Lives of the Poets* he would give protection during about thirty years. Well; take Henry Fielding; it matters not whom I take, but take Fielding. His early works are read only by the curious, and would not be read even by the curious, but for the fame which he acquired in the later part of his life by works of a very different kind. What is the value of the *Temple Beau*, of the *Intriguing Chambermaid*, of half a dozen other plays of which few gentlemen have even heard the names? Yet to these worthless pieces my noble friend would give a term of copyright longer by more than twenty years than that which he would give to *Tom Jones* and *Amelia*.

Go on to Burke. His little tract, entitled *The Vindication of Natural Society*, is certainly not without merit; but it would not be remembered in our days if it did not bear the name of Burke. To this tract my noble friend would give a copyright of near seventy years. But to the great work on the French Revolution, to the *Appeal from the New to the Old Whigs*, to the letters on the *Regicide Peace*, he would give a copyright of thirty years or little more.

And, Sir, observe that I am not selecting here and there extraordinary instances in order to make up the semblance of a case. I am taking the greatest names of our literature in chronological order. Go to other nations; go to remote ages; you will still find the general rule the same. There was no copyright at Athens or Rome; but the history of the Greek and Latin literature illustrates my argument quite as well as if copyright had existed in ancient times. Of all the plays of Sophocles, the one to which the plan of my noble friend would have given the most scanty recompense would have been that

wonderful masterpiece, the *Cædipus at Colonos*. Who would class together the Speech of Demosthenes against his Guardians, and the Speech for the Crown? My noble friend, indeed, would not class them together. For to the Speech against the Guardians he would give a copyright of near seventy years; and to the incomparable Speech for the Crown a copyright of less than half that length. Go to Rome. My noble friend would give more than twice as long a term to Cicero's juvenile declamation in defence of *Roscius Amerinus* as to the Second *Philippic*. Go to France; my noble friend would give a far longer term to Racine's *Frères Ennemis* than to *Athalie*, and to Molière's *Étourdi* than to *Tartuffe*. Go to Spain. My noble friend would give a longer term to forgotten works of Cervantes, works which nobody now reads, than to *Don Quixote*. Go to Germany. According to my noble friend's plan, of all the works of Schiller *The Robbers* would be the most favored: of all the works of Goethe, *The Sorrows of Werther* would be the most favored. I thank the Committee for listening so kindly to this long enumeration. Gentlemen will perceive, I am sure, that it is not from pedantry that I mention the names of so many books and authors. But just as, in our debates on civil affairs, we constantly draw illustrations from civil history, we must, in a debate about literary property, draw our illustrations from literary history. Now, Sir, I have, I think, shown from literary history that the effect of my noble friend's plan would be to give to crude and imperfect works, to third-rate and fourth-rate works, a great advantage over the highest productions of genius. It is impossible to account for the facts which I have laid before you by attributing them to mere accident. Their number is too great, their character too uniform. We must seek for some other explanation; and we shall easily find one.

It is the law of our nature that the mind shall attain its full power by slow degrees; and this is especially true

of the most vigorous minds. Young men, no doubt, have often produced works of great merit; but it would be impossible to name any writer of the first order whose juvenile performances were his best. That all the most valuable books of history, of philology, of physical and metaphysical science, of divinity, of political economy, have been produced by men of mature years, will hardly be disputed.

The case may not be quite so clear as respects works of the imagination. And yet I know no work of the imagination of the very highest class that was ever, in any age or country, produced by a man under thirty-five. Whatever powers a youth may have received from nature, it is impossible that his taste and judgment can be ripe, that his mind can be richly stored with images, that he can have observed the vicissitudes of life, that he can have studied the nicer shades of character. How, as Marmontel very sensibly said, is a person to paint portraits who has never seen faces? On the whole I believe that I may, without fear of contradiction, affirm this, that of the good books now extant in the world more than nineteen twentieths were published after the writers had attained the age of forty. If this be so, it is evident that the plan of my noble friend is framed on a vicious principle. For, while he gives to juvenile productions a very much larger protection than they now enjoy, he does comparatively little for the works of men in the full maturity of their powers, and absolutely nothing for any work which is published during the last three years of the life of the writer. For, by the existing law, the copyright of such a work lasts twenty-eight years from the publication; and my noble friend gives only twenty-five years to be reckoned from the writer's death.

What I recommend is, that the certain term, reckoned from the date of publication, shall be forty-two years instead of twenty-eight years. In this arrangement there is no uncertainty, no inequality. The advantage which

I propose to give will be the same to every book. No work will have so long a copyright as my noble friend gives to some books, or so short a copyright as he gives to others. No copyright will last ninety years. No copyright will end in twenty-eight years. To every book published in the course of the last seventeen years of a writer's life I give a longer term of copyright than my noble friend gives; and I am confident that no person versed in literary history will deny this, — that in general the most valuable works of an author are published in the course of the last seventeen years of his life. I will rapidly enumerate a few, and but a few, of the great works of English writers to which my plan is more favorable than my noble friend's plan. To Lear, to Macbeth, to Othello, to the Faerie Queene, to the Paradise Lost, to Bacon's *Novum Organum* and *De Augmentis*, to Locke's *Essay on the Human Understanding*, to Clarendon's *History*, to Hume's *History*, to Gibbon's *History*, to Smith's *Wealth of Nations*, to Addison's *Spectators*, to almost all the great works of Burke, to *Clarissa* and Sir Charles Grandison, to Joseph Andrews, *Tom Jones*, and *Amelia*, and, with the single exception of *Waverley*, to all the novels of Sir Walter Scott, I give a longer term of copyright than my noble friend gives. Can he match that list? Does not that list contain what England has produced greatest in many various ways, poetry, philosophy, history, eloquence, wit, skilful portraiture of life and manners? I confidently, therefore, call on the Committee to take my plan in preference to the plan of my noble friend. I have shown that the protection which he proposes to give to letters is unequal, and unequal in the worst way. I have shown that his plan is to give protection to books in inverse proportion to their merit. I shall move when we come to the third clause of the bill to omit the words "twenty-five years," and in a subsequent part of the same clause I shall move to substitute for the words "twenty-eight years" the words "forty-two

years." I earnestly hope that the Committee will adopt these amendments; and I feel the firmest conviction that my noble friend's bill, so amended, will confer a great boon on men of letters with the smallest possible inconvenience to the public.

THE PEOPLE'S CHARTER

MAY 3, 1842

On the second of May, 1842, Mr. Thomas Duncombe, Member for Finsbury, presented a petition, very numerously signed, of which the prayer was as follows :—

“ Your petitioners, therefore, exercising their just constitutional right, demand that your Honorable House, to remedy the many gross and manifest evils of which your petitioners complain, do immediately, without alteration, deduction, or addition, pass into a law the document entitled the People's Charter.”

On the following day Mr. Thomas Duncombe moved that the petitioners should be heard by themselves or their Counsel at the Bar of the House. The following Speech was made in opposition to the motion.

The motion was rejected by 287 votes to 49.

MR. SPEAKER, —

I was particularly desirous to catch your eye this evening, because, when the motion of the honorable Member for Rochdale¹ was under discussion, I was unable to be in my place. I understand that, on that occasion, the absence of some members of the late government was noticed in severe terms, and was attributed to discreditable motives. As for myself, Sir, I was prevented from coming down to the House by illness: a noble friend of mine, to whom particular allusion was made, was detained elsewhere by pure accident; and I am convinced that no member of the late administration was withheld by any unworthy feeling from avowing his opinions. My own opinions I could have no motive for disguising.

¹ Mr. Sharman Crawford.

They have been frequently avowed, and avowed before audiences which were not likely to regard them with much favor.

I should wish, Sir, to say what I have to say in the temperate tone which has with so much propriety been preserved by the right honorable Baronet the Secretary for the Home Department;¹ but, if I should use any warm expression, I trust that the House will attribute it to the strength of my convictions and to my solicitude for the public interests. No person who knows me will, I am quite sure, suspect me of regarding the hundreds of thousands who have signed the petition which we are now considering with any other feeling than cordial good will.

Sir, I cannot conscientiously assent to this motion. And yet I must admit that the honorable Member for Finsbury² has framed it with considerable skill. He has done his best to obtain the support of all those timid and interested politicians who think much more about the security of their seats than about the security of their country. It would be very convenient to me to give a silent vote with him. I should then have it in my power to say to the Chartists of Edinburgh, "When your petition was before the House I was on your side; I was for giving you a full hearing." I should at the same time be able to assure my conservative constituents that I never had supported and never would support the Charter. But, Sir, though this course would be very convenient, it is one which my sense of duty will not suffer me to take. When questions of private right are before us we hear, and we ought to hear, the arguments of the parties interested in those questions. But it has never been, and surely it ought not to be, our practice to grant a hearing to persons who petition for or against a law in which they have no other interest than that which is common between them and the whole nation. Of the many

¹ Sir James Graham.

² Mr. Thomas Duncombe.

who petitioned against slavery, against the Roman Catholic claims, against the corn laws, none was suffered to harangue us at the bar in support of his views. If in the present case we depart from a general rule which everybody must admit to be a very wholesome one, what inference can reasonably be drawn from our conduct, except this, that we think the petition which we are now considering entitled to extraordinary respect, and that we have not fully made up our minds to refuse what the petitioners ask. Now, Sir, I have fully made up my mind to resist to the last the change which they urge us to make in the Constitution of the kingdom. I therefore think that I should act disingenuously if I gave my voice for calling in orators whose eloquence, I am certain, will make no alteration in my opinion. I think, too, that if, after voting for hearing the petitioners, I should then vote against granting their prayer, I should give them just ground for accusing me of having first encouraged and then deserted them. That accusation, at least, they shall never bring against me.

The honorable Member for Westminster¹ has expressed a hope that the language of the petition will not be subjected to severe criticism. If he means literary criticism, I entirely agree with him. The style of this composition is safe from any censure of mine; but the substance it is absolutely necessary that we should closely examine. What the petitioners demand is this, that we do forthwith pass what is called the People's Charter into a law without alteration, diminution, or addition. This is the prayer in support of which the honorable Member for Finsbury would have us hear an argument at the bar. Is it, then, reasonable to say, as some gentlemen have said, that, in voting for the honorable Member's motion, they mean to vote merely for an inquiry into the causes of the public distress? If any gentleman thinks that an inquiry into the causes of the public distress would be

¹ Mr. Leader.

useful, let him move for such an inquiry. I will not oppose it. But this petition does not tell us to inquire. It tells us that we are not to inquire. It directs us to pass a certain law word for word, and to pass it without the smallest delay.

I shall, Sir, notwithstanding the request or command of the petitioners, venture to exercise my right of free speech on the subject of the People's Charter. There is, among the six points of the Charter, one for which I have voted. There is another of which I decidedly approve. There are others as to which, though I do not agree with the petitioners, I could go some way to meet them. In fact, there is only one of the six points on which I am diametrically opposed to them; but unfortunately that point happens to be infinitely the most important of the six.

One of the six points is the ballot. I have voted for the ballot; and I have seen no reason to change my opinion on that subject.

Another point is the abolition of the pecuniary qualification for Members of this House. On that point I cordially agree with the petitioners. You have established a sufficient pecuniary qualification for the elector; and it therefore seems to me quite superfluous to require a pecuniary qualification from the representative. Everybody knows that many English Members have only fictitious qualifications, and that the Members for Scotch cities and boroughs are not required to have any qualification at all. It is surely absurd to admit the representatives of Edinburgh and Glasgow without any qualification, and at the same time to require the representative of Finsbury or Marylebone to possess a qualification or the semblance of one. If the qualification really be a security for respectability, let that security be demanded from us who sit here for Scotch towns. If, as I believe, the qualification is no security at all, why should we require it from anybody. It is no part of the old Consti-

tution of the realm. It was first established in the reign of Anne. It was established by a bad Parliament for a bad purpose. It was, in fact, part of a course of legislation which, if it had not been happily interrupted, would have ended in the repeal of the Toleration Act and of the Act of Settlement.

The Chartists demand annual Parliaments. There, certainly, I differ from them; but I might, perhaps, be willing to consent to some compromise. I differ from them also as to the expediency of paying the representatives of the people, and of dividing the country into electoral districts. But I do not consider these matters as vital. The kingdom might, I acknowledge, be free, great, and happy, though the Members of this House received salaries, and though the present boundaries of counties and boroughs were superseded by new lines of demarcation. These, Sir, are subordinate questions. I do not, of course, mean that they are not important. But they are subordinate when compared with that question which still remains to be considered. The essence of the Charter is universal suffrage. If you withhold that, it matters not very much what else you grant. If you grant that, it matters not at all what else you withhold. If you grant that, the country is lost.

I have no blind attachment to ancient usages. I altogether disclaim what has been nicknamed the doctrine of finality. I have said enough to-night to show that I do not consider the settlement made by the Reform Bill as one which can last forever. I certainly do think that an extensive change in the polity of a nation must be attended with serious evils. Still those evils may be overbalanced by advantages: and I am perfectly ready, in every case, to weigh the evils against the advantages, and to judge as well as I can which scale preponderates. I am bound by no tie to oppose any reform which I think likely to promote the public good. I will go so far as to say that I do not quite agree with those who think

that they have proved the People's Charter to be absurd when they have proved that it is incompatible with the existence of the throne and of the peerage. For though I am a faithful and loyal subject of Her Majesty, and though I sincerely wish to see the House of Lords powerful and respected, I cannot consider either monarchy or aristocracy as the ends of government. They are only means. Nations have flourished without hereditary sovereigns or assemblies of nobles; and, though I should be very sorry to see England a republic, I do not doubt that she might, as a republic, enjoy prosperity, tranquillity, and high consideration. The dread and aversion with which I regard universal suffrage would be greatly diminished, if I could believe that the worst effect which it would produce would be to give us an elective first magistrate and a senate instead of a Queen and a House of Peers. My firm conviction is that, in our country, universal suffrage is incompatible, not with this or that form of government, but with all forms of government, and with everything for the sake of which forms of government exist; that it is incompatible with property, and that it is consequently incompatible with civilization.

It is not necessary for me in this place to go through the arguments which prove beyond dispute that on the security of property civilization depends; that, where property is insecure, no climate however delicious, no soil however fertile, no conveniences for trade and navigation, no natural endowments of body or of mind, can prevent a nation from sinking into barbarism; that where, on the other hand, men are protected in the enjoyment of what has been created by their industry and laid up by their self-denial, society will advance in arts and in wealth notwithstanding the sterility of the earth and the inclemency of the air, notwithstanding heavy taxes and destructive wars. Those persons who say that England has been greatly misgoverned, that her legisla-

tion is defective, that her wealth has been squandered in unjust and impolitic contests with America and with France, do in fact bear the strongest testimony to the truth of my doctrine. For that our country has made and is making great progress in all that contributes to the material comfort of man is indisputable. If that progress cannot be ascribed to the wisdom of the government, to what can we ascribe it, but to the diligence, the energy, the thrift of individuals? And to what can we ascribe that diligence, that energy, that thrift, except to the security which property has during many generations enjoyed here? Such is the power of this great principle that, even in the last war, the most costly war, beyond all comparison, that ever was waged in this world, the government could not lavish wealth so fast as the productive classes created it.

If it be admitted that on the institution of property the well-being of society depends, it follows surely that it would be madness to give supreme power in the state to a class which would not be likely to respect that institution. And, if this be conceded, it seems to me to follow that it would be madness to grant the prayer of this petition. I entertain no hope that, if we place the government of the kingdom in the hands of the majority of the males of one and twenty told by the head, the institution of property will be respected. If I am asked why I entertain no such hope, I answer, because the hundreds of thousands of males of twenty-one who have signed this petition tell me to entertain no such hope; because they tell me that, if I trust them with power, the first use which they will make of it will be to plunder every man in the kingdom who has a good coat on his back and a good roof over his head. God forbid that I should put an unfair construction on their language! I will read their own words. This petition, be it remembered, is an authoritative declaration of the wishes of those who, if the Charter ever becomes law, will return

the great majority of the House of Commons; and these are their words: "Your petitioners complain, that they are enormously taxed to pay the interest of what is called the national debt, a debt amounting at present to eight hundred millions, being only a portion of the enormous amount expended in cruel and expensive wars for the suppression of all liberty by men not authorized by the people, and who consequently had no right to tax posterity for the outrages committed by them upon mankind." If these words mean anything, they mean that the present generation is not bound to pay the public debt incurred by our rulers in past times, and that a national bankruptcy would be both just and politic. For my part, I believe it to be impossible to make any distinction between the right of a fundholder to his dividends and the right of a landowner to his rents. And, to do the petitioners justice, I must say that they seem to be much of the same mind. They are for dealing with fundholder and landowner alike. They tell us that nothing will "unshackle labor from its misery, until the people possess that power under which all monopoly and oppression must cease; and your petitioners respectfully mention the existing monopolies of the suffrage, of paper money, of machinery, of land, of the public press, of religion, of the means of travelling and transit, and a host of other evils too numerous to mention, all arising from class legislation." Absurd as this hubbub of words is, part of it is intelligible enough. What can the monopoly of land mean, except property in land? The only monopoly of land which exists in England is this, that nobody can sell an acre of land which does not belong to him. And what can the monopoly of machinery mean but property in machinery? Another monopoly which is to cease is the monopoly of the means of travelling. In other words, all the canal property and railway property in the kingdom is to be confiscated. What other sense do the words bear? And these are only specimens of the reforms

which, in the language of the petition, are to unshackle labor from its misery. There remains, it seems, a host of similar monopolies too numerous to mention; the monopoly, I presume, which a draper has of his own stock of cloth; the monopoly which a hatter has of his own stock of hats; the monopoly which we all have of our furniture, bedding, and clothes. In short, the petitioners ask you to give them power in order that they may not leave a man of a hundred a year in the realm.

I am far from wishing to throw any blame on the ignorant crowds which have flocked to the tables where this petition was exhibited. Nothing is more natural than that the laboring people should be deceived by the arts of such men as the author of this absurd and wicked composition. We ourselves, with all our advantages of education, are often very credulous, very impatient, very short-sighted, when we are tried by pecuniary distress or bodily pain. We often resort to means of immediate relief which, as Reason tells us, if we would listen to her, are certain to aggravate our sufferings. Men of great abilities and knowledge have ruined their estates and their constitutions in this way. How, then, can we wonder that men less instructed than ourselves, and tried by privations such as we have never known, should be easily misled by mountebanks who promise impossibilities? Imagine a well-meaning laborious mechanic fondly attached to his wife and children. Bad times come. He sees the wife whom he loves grow thinner and paler every day. His little ones cry for bread; and he has none to give them. Then come the professional agitators, the tempters, and tell him that there is enough and more than enough for everybody, and that he has too little only because landed gentlemen, fundholders, bankers, manufacturers, railway proprietors, shopkeepers, have too much. Is it strange that the poor man should be deluded, and should eagerly sign such a petition as this? The inequality with which wealth is distributed forces

itself on everybody's notice. It is at once perceived by the eye. The reasons which irrefragably prove this inequality to be necessary to the well-being of all classes are not equally obvious. Our honest workingman has not received such an education as enables him to understand that the utmost distress that he has ever known is prosperity, when compared with the distress which he would have to endure if there were a single month of general anarchy and plunder. But you say, It is not the fault of the laborer that he is not well educated. Most true. It is not his fault. But, though he has no share in the fault, he will, if you are foolish enough to give him supreme power in the state, have a very large share of the punishment. You say that, if the government had not culpably omitted to establish a good system of public instruction, the petitioners would have been fit for the elective franchise. But is that a reason for giving them the franchise when their own petition proves that they are not fit for it, when they give us fair notice that, if we let them have it, they will use it to our ruin and their own? It is not necessary now to inquire whether, with universal education, we could safely have universal suffrage. What we are asked to do is to give universal suffrage before there is universal education. Have I any unkind feeling towards these poor people? No more than I have to a sick friend who implores me to give him a glass of iced water which the physician has forbidden. No more than a humane collector in India has to those poor peasants who in a season of scarcity crowd round the granaries and beg with tears and piteous gestures that the doors may be opened and the rice distributed. I would not give the draught of water, because I know that it would be poison. I would not give up the keys of the granary, because I know that, by doing so, I should turn a scarcity into a famine. And in the same way I would not yield to the importunity of multitudes who, exasperated by suffering and blinded by ignorance,

demand with wild vehemence the liberty to destroy themselves.

But it is said, You must not attach so much importance to this petition. It is very foolish, no doubt, and disgraceful to the author, be he who he may. But you must not suppose that those who signed it approve of it. They have merely put their names or their marks without weighing the sense of the document which they subscribed. Surely, Sir, of all reasons that ever were given for receiving a petition with peculiar honors, the strangest is that it expresses sentiments diametrically opposed to the real sentiments of those who have signed it. And it is a not less strange reason for giving men supreme power in a state that they sign political manifestoes of the highest importance without taking the trouble to know what the contents are. But how is it possible for us to believe that, if the petitioners had the power which they demand, they would not use it as they threaten? During a long course of years, numerous speakers and writers, some of them ignorant, others dishonest, have been constantly representing the government as able to do, and bound to do, things which no government can, without great injury to the country, attempt to do. Every man of sense knows that the people support the government. But the doctrine of the Chartist philosophers is that it is the business of the government to support the people. It is supposed by many that our rulers possess, somewhere or other, an inexhaustible storehouse of all the necessaries and conveniences of life, and, from mere hardheartedness, refuse to distribute the contents of this magazine among the poor. We have all of us read speeches and tracts in which it seemed to be taken for granted that we who sit here have the power of working miracles, of sending a shower of manna on the West Riding, of striking the earth and furnishing all the towns of Lancashire with abundance of pure water, of feeding all the cotton-spinners and weavers who are out of work

with five loaves and two fishes. There is not a workingman who has not heard harangues and read newspapers in which these follies are taught. And do you believe that as soon as you give the workingmen absolute and irresistible power they will forget all this? Yes, Sir, absolute and irresistible power. The Charter would give them no less. In every constituent body throughout the empire the workingmen will, if we grant the prayer of this petition, be an irresistible majority. In every constituent body capital will be placed at the feet of labor; knowledge will be borne down by ignorance; and is it possible to doubt what the result must be? The honorable Member for Bath and the honorable Member for Rochdale are now considered as very democratic Members of Parliament. They would occupy a very different position in a House of Commons elected by universal suffrage, if they succeeded in obtaining seats. They would, I believe, honestly oppose every attempt to rob the public creditor. They would manfully say, "Justice and the public good require that this sum of thirty millions a year should be paid;" and they would immediately be reviled as aristocrats, monopolists, oppressors of the poor, defenders of old abuses. And as to land, is it possible to believe that the millions who have been so long and loudly told that the land is their estate, and is wrongfully kept from them, should not, when they have supreme power, use that power to enforce what they think their rights? What could follow but one vast spoliation? One vast spoliation! That would be bad enough. That would be the greatest calamity that ever fell on our country. Yet would that a single vast spoliation were the worst! No, Sir; in the lowest deep there would be a lower deep. The first spoliation would not be the last. How could it? All the causes which had produced the first spoliation would still operate. They would operate more powerfully than before. The distress would be far greater than before. The fences

which now protect property would all have been broken through, levelled, swept away. The new proprietors would have no title to show to anything that they held except recent robbery. With what face, then, could they complain of being robbed? What would be the end of these things? Our experience, God be praised! does not enable us to predict it with certainty. We can only guess. My guess is that we should see something more horrible than can be imagined, something like the siege of Jerusalem on a far larger scale. There would be many millions of human beings, crowded in a narrow space, deprived of all those resources which alone had made it possible for them to exist in so narrow a space; trade gone; manufactures gone; credit gone. What could they do but fight for the mere sustenance of nature, and tear each other to pieces, till famine, and pestilence following in the train of famine, came to turn the terrible commotion into a more terrible repose? The best event, the very best event, that I can anticipate, — and what must the state of things be, if an Englishman and a Whig calls such an event the very best? — the very best event, I say, that I can anticipate is that out of the confusion a strong military despotism may arise, and that the sword, firmly grasped by some rough hand, may give a sort of protection to the miserable wreck of all that immense prosperity and glory. But, as to the noble institutions under which our country has made such progress in liberty, in wealth, in knowledge, in arts, do not deceive yourselves into the belief that we should ever see them again. We should never see them again. We should not deserve to see them. All those nations which envy our greatness would insult our downfall, a downfall which would be all our own work; and the history of our calamities would be told thus: England had institutions which, though imperfect, yet contained within themselves the means of remedying every imperfection; those institutions her legislators wantonly and madly threw away;

nor could they urge in their excuse even the wretched plea that they were deceived by false promises: for, in the very petition with the prayer of which they were weak enough to comply, they were told, in the plainest terms, that public ruin would be the effect of their compliance.

Thinking thus, Sir, I will oppose, with every faculty which God has given me, every motion which directly or indirectly tends to the granting of universal suffrage. This motion, I think, tends that way. If any gentleman here is prepared to vote for universal suffrage with a full view of all the consequences of universal suffrage as they are set forth in this petition, he acts with perfect consistency in voting for this motion. But, I must say, I heard with some surprise the honorable Baronet the Member for Leicester¹ say that, though he utterly disapproves of the petition, though he thinks of it just as I do, he wishes the petitioners to be heard at the bar in explanation of their opinions. I conceive that their opinions are quite sufficiently explained already; and to such opinions I am not disposed to pay any extraordinary mark of respect. I shall give a clear and conscientious vote against the motion of the honorable Member for Finsbury; and I conceive that the petitioners will have much less reason to complain of my open hostility, than of the conduct of the honorable Member, who tries to propitiate them by consenting to hear their oratory, but has fully made up his mind not to comply with their demands.

¹ Sir John Easthope.

THE GATES OF SOMNAUTH

MARCH 9, 1843

On the ninth of March, 1843, Mr. Vernon Smith, Member for Northampton, made the following motion : —

“ That this House, having regard to the high and important functions of the Governor General of India, the mixed character of the native population, and the recent measures of the Court of Directors for discontinuing any seeming sanction to idolatry in India, is of opinion that the conduct of Lord Ellenborough in issuing the General Orders of the sixteenth of November, 1842, and in addressing the letter of the same date to all the chiefs, princes, and people of India, respecting the restoration of the gates of a temple to Somnauth, is unwise, indecorous, and reprehensible.”

Mr. Emerson Tennant, Secretary of the Board of Control, opposed the motion. In reply to him the following Speech was made.

The motion was rejected by 242 votes to 157.

MR. SPEAKER, —

If the practice of the honorable gentleman, the Secretary of the Board of Control, had been in accordance with his precepts, if he had not, after exhorting us to confine ourselves strictly to the subject before us, rambled far from that subject, I should have refrained from all digression. For in truth there is abundance to be said touching both the substance and the style of this Proclamation. I cannot, however, leave the honorable gentleman's peroration entirely unnoticed. But I assure him that I do not mean to wander from the question before us to any great distance or for any long time.

I cannot but wonder, Sir, that he who has, on this, as on former occasions, exhibited so much ability and acuteness, should have gravely represented it as a ground of complaint, that my right honorable friend the Member for Northampton has made this motion in the Governor General's absence. Does the honorable gentleman mean that this House is to be interdicted from ever considering in what manner Her Majesty's Asiatic subjects, a hundred millions in number, are governed? And how can we consider how they are governed without considering the conduct of him who is governing them? And how can we consider the conduct of him who is governing them, except in his absence? For my own part, I can say for myself, and I may, I doubt not, say for my right honorable friend the Member for Northampton, that we both of us wish, with all our hearts and souls, that we were discussing this question in the presence of Lord Ellenborough. Would to heaven, Sir, for the sake of the credit of England, and of the interests of India, that the noble lord were at this moment under our gallery! But, Sir, if there be any Governor who has no right to complain of remarks made on him in his absence, it is that Governor who, forgetting all official decorum, forgetting how important it is that, while the individuals who serve the state are changed, the state should preserve its identity, inserted in a public proclamation reflections on his predecessor, a predecessor of whom, on the present occasion, I will only say that his conduct had deserved a very different return. I am confident that no enemy of Lord Auckland, if Lord Auckland has an enemy in the House, will deny that, whatever faults he may have committed, he was faultless with respect to Lord Ellenborough. No brother could have labored more assiduously for the interests and the honor of a brother than Lord Auckland labored to facilitate Lord Ellenborough's arduous task, to prepare for Lord Ellenborough the means of obtaining success and glory. And what was

the requital? A proclamation by Lord Ellenborough, stigmatizing the conduct of Lord Auckland. And, Sir, since the honorable gentleman, the Secretary of the Board of Control, has thought fit to divert the debate from its proper course, I will venture to request that he, or the honorable director who sits behind him,¹ will vouchsafe to give us some explanations on an important point to which allusion has been made. Lord Ellenborough has been accused of having publicly announced that our troops were about to evacuate Afghanistan before he had ascertained that our captive countrymen and countrywomen had been restored to liberty. This accusation, which is certainly a serious one, the honorable gentleman, the Secretary of the Board of Control, pronounces to be a mere calumny. Now, Sir, the proclamation which announces the withdrawing of the troops bears date the first of October, 1842. What I wish to know is, whether any member of the government, or of the Court of Directors, will venture to affirm that on the first of October, 1842, the Governor General knew that the prisoners had been set at liberty? I believe that no member either of the government or of the Court of Directors will venture to affirm any such thing. It seems certain that on the first of October the Governor General could not know that the prisoners were safe. Nevertheless, the honorable gentleman the Secretary of the Board of Control assures us that, when the proclamation was drawn up, the Governor General did know that the prisoners were safe. What is the inevitable consequence? It is this, that the date is a false date, that the proclamation was written after the first of October, and antedated. And for what reason was it antedated? I am almost ashamed to tell the House what I believe to have been the reason. I believe that Lord Ellenborough affixed the false date of the first of October to his proclamation because Lord Auckland's manifesto against Afghanistan was dated on

¹ Sir James Hogg.

the first of October. I believe that Lord Ellenborough wished to make the contrast between his own success and his predecessor's failure more striking, and that for the sake of this paltry, this childish, triumph, he antedated his proclamation, and made it appear to all Europe and all Asia that the English government was indifferent to the fate of Englishmen and Englishwomen who were in a miserable captivity. If this be so, and I shall be surprised to hear any person deny that it is so, I must say that by this single act, by writing those words, the first of October, the Governor General proved himself to be a man of an ill-regulated mind, a man unfit for high public trust.

I might, Sir, if I chose to follow the example of the honorable gentleman, the Secretary of the Board of Control, advert to many other matters. I might call the attention of the House to the systematic manner in which the Governor General has exerted himself to lower the character and to break the spirit of that civil service on the respectability and efficiency of which chiefly depends the happiness of a hundred millions of human beings. I might say much about the financial committee which he appointed in the hope of finding out blunders of his predecessor, but which at last found out no blunders except his own. But the question before us demands our attention. That question has two sides, a serious and a ludicrous side. Let us look first at the serious side. Sir, I disclaim in the strongest manner all intention of raising any fanatical outcry or of lending aid to any fanatical project. I would very much rather be the victim of fanaticism than its tool. If Lord Ellenborough were called in question for having given an impartial protection to the professors of different religions, or for restraining unjustifiable excesses into which Christian missionaries might have been hurried by their zeal, I would, widely as I have always differed from him in politics, have stood up in his defence, though I had stood

up alone. But the charge against Lord Ellenborough is that he has insulted the religion of his own country and the religion of millions of the Queen's Asiatic subjects in order to pay honor to an idol. And this the right honorable gentleman, the Secretary of the Board of Control, calls a trivial charge. Sir, I think it a very grave charge. Her Majesty is the ruler of a larger heathen population than the world ever saw collected under the sceptre of a Christian sovereign since the days of the Emperor Theodosius. What the conduct of rulers in such circumstances ought to be is one of the most important moral questions, one of the most important political questions, that it is possible to conceive. There are subject to the British rule in Asia a hundred millions of people who do not profess the Christian faith. The Mahometans are a minority: but their importance is much more than proportioned to their number: for they are an united, a zealous, an ambitious, a warlike class. The great majority of the population of India consists of idolaters, blindly attached to doctrines and rites which, considered merely with reference to the temporal interests of mankind, are in the highest degree pernicious. In no part of the world has a religion ever existed more unfavorable to the moral and intellectual health of our race. The Brahminical mythology is so absurd that it necessarily debases every mind which receives it as truth; and with this absurd mythology is bound up an absurd system of physics, an absurd geography, an absurd astronomy. Nor is this form of Paganism more favorable to art than to science. Through the whole Hindoo Pantheon you will look in vain for anything resembling those beautiful and majestic forms which stood in the shrines of ancient Greece. All is hideous, and grotesque, and ignoble. As this superstition is of all superstitions the most irrational, and of all superstitions the most inelegant, so is it of all superstitions the most immoral. Emblems of vice are objects of public worship. Acts of

vice are acts of public worship. The courtesans are as much a part of the establishment of the temple, as much ministers of the god, as the priests. Crimes against life, crimes against property, are not only permitted but enjoined by this odious theology. But for our interference human victims would still be offered to the Ganges, and the widow would still be laid on the pile with the corpse of her husband, and burned alive by her own children. It is by the command and under the especial protection of one of the most powerful goddesses that the Thugs join themselves to the unsuspecting traveller, make friends with him, slip the noose round his neck, plunge their knives in his eyes, hide him in the earth, and divide his money and baggage. I have read many examinations of Thugs; and I particularly remember an altercation which took place between two of those wretches in the presence of an English officer. One Thug reproached the other for having been so irreligious as to spare the life of a traveller when the omens indicated that their patroness required a victim. "How could you let him go? How can you expect the goddess to protect us if you disobey her commands? That is one of your North country heresies." Now, Sir, it is a difficult matter to determine in what way Christian rulers ought to deal with such superstitions as these. We might have acted as the Spaniards acted in the New World. We might have attempted to introduce our own religion by force. We might have sent missionaries among the natives at the public charge. We might have held out hopes of public employment to converts, and have imposed civil disabilities on Mahometans and Pagans. But we did none of these things; and herein we judged wisely. Our duty, as rulers, was to preserve strict neutrality on all questions merely religious: and I am not aware that we have ever swerved from strict neutrality for the purpose of making proselytes to our own faith. But we have, I am sorry to say, sometimes deviated from the

right path in the opposite direction. Some Englishmen, who have held high office in India, seem to have thought that the only religion which was not entitled to toleration and to respect was Christianity. They regarded every Christian missionary with extreme jealousy and disdain; and they suffered the most atrocious crimes, if enjoined by the Hindoo superstition, to be perpetrated in open day. It is lamentable to think how long after our power was firmly established in Bengal, we, grossly neglecting the first and plainest duty of the civil magistrate, suffered the practices of infanticide and Suttee to continue unchecked. We decorated the temples of the false gods. We provided the dancing girls. We gilded and painted the images to which our ignorant subjects bowed down. We repaired and embellished the car under the wheels of which crazy devotees flung themselves at every festival to be crushed to death. We sent guards of honor to escort pilgrims to the places of worship. We actually made oblations at the shrines of idols. All this was considered, and is still considered, by some prejudiced Anglo-Indians of the old school, as profound policy. I believe that there never was so shallow, so senseless a policy. We gained nothing by it. We lowered ourselves in the eyes of those whom we meant to flatter. We led them to believe that we attached no importance to the difference between Christianity and heathenism. Yet how vast that difference is! I altogether abstain from alluding to topics which belong to divines. I speak merely as a politician anxious for the morality and the temporal well-being of society. And, so speaking, I say that to countenance the Brahminical idolatry, and to discountenance that religion which has done so much to promote justice, and mercy, and freedom, and arts, and sciences, and good government, and domestic happiness, which has struck off the chains of the slave, which has mitigated the horrors of war, which has raised women from servants and playthings into companions and

friends, is to commit high treason against humanity and civilization.

Gradually a better system was introduced. A great man whom we have lately lost, Lord Wellesley, led the way. He prohibited the immolation of female children; and this was the most unquestionable of all his titles to the gratitude of his country. In the year 1813 Parliament gave new facilities to persons who were desirous to proceed to India as missionaries. Lord William Bentinck abolished the Suttee. Shortly afterwards the Home government sent out to Calcutta the important and valuable dispatch to which reference has been repeatedly made in the course of this discussion. That dispatch Lord Glenelg wrote—I was then at the Board of Control, and can attest the fact—with his own hand. One paragraph, the sixty-second, is of the highest moment. I know that paragraph so well that I could repeat it word for word. It contains in short compass an entire code of regulations for the guidance of British functionaries in matters relating to the idolatry of India. The orders of the Home government were express, that the arrangements of the temples should be left entirely to the natives. A certain discretion was of course left to the local authorities as to the time and manner of dissolving that connection which had long existed between the English government and the Brahminical superstition. But the principle was laid down in the clearest manner. This was in February, 1833. In the year 1838 another dispatch was sent, which referred to the sixty-second paragraph of Lord Glenelg's dispatch, and enjoined the Indian government to observe the rules contained in that paragraph. Again, in the year 1841, precise orders were sent out on the same subject, orders which Lord Ellenborough seems to me to have studied carefully for the express purpose of disobeying them point by point, and in the most direct manner. You murmur: but only look at the orders of the Directors

and at the proclamation of the Governor General. The orders are, distinctly and positively, that the British authorities in India shall have nothing to do with the temples of the natives, shall make no presents to those temples, shall not decorate those temples, shall not pay any military honor to those temples. Now, Sir, the first charge which I bring against Lord Ellenborough is, that he has been guilty of an act of gross disobedience, that he has done that which was forbidden in the strongest terms by those from whom his power is derived. The Home government says, Do not interfere in the concerns of heathen temples. Is it denied that Lord Ellenborough has interfered in the concerns of a heathen temple? The Home government says, Make no presents to heathen temples. Is it denied that Lord Ellenborough has proclaimed to all the world his intention to make a present to a heathen temple? The Home government says, Do not decorate heathen temples. Is it denied that Lord Ellenborough has proclaimed to all the world his intention to decorate a heathen temple? The Home government says, Do not send troops to do honor to heathen temples. Is it denied that Lord Ellenborough sent a body of troops to escort these gates to a heathen temple? To be sure, the honorable gentleman, the Secretary of the Board of Control, tries to get rid of this part of the case in rather a whimsical manner. He says that it is impossible to believe that, by sending troops to escort the gates, Lord Ellenborough can have meant to pay any mark of respect to an idol. And why? Because, says the honorable gentleman, the Court of Directors had given positive orders that troops should not be employed to pay marks of respect to idols. Why, Sir, undoubtedly, if it is to be taken for granted that Lord Ellenborough is a perfect man, if all our reasonings are to proceed on the supposition that he cannot do wrong, then I admit the force of the honorable gentleman's argument. But it seems to me a strange and a dangerous thing to

infer a man's innocence merely from the flagrancy of his guilt. It is certain that the Home authorities ordered the Governor General not to employ the troops in the service of a temple. It is certain that Lord Ellenborough employed the troops to escort a trophy, an oblation, which he sent to the restored temple of Somnauth. Yes, the restored temple of Somnauth. Those are his lordship's words. They have given rise to some discussion, and seem not to be understood by everybody in the same sense. We all know that this temple is in ruins. I am confident that Lord Ellenborough knew it to be in ruins, and that his intention was to rebuild it at the public charge. That is the obvious meaning of his words. But, as this meaning is so monstrous that nobody here can venture to defend it, his friends pretend that he believed the temple to have been already restored, and that he had no thought of being himself the restorer. How can I believe this? How can I believe that, when he issued this proclamation, he knew nothing about the state of the temple to which he proposed to make an offering of such importance? He evidently knew that it had once been in ruins; or he would not have called it the restored temple. Why am I to suppose that he imagined it to have been rebuilt? He had people about him who knew it well, and who could have told him that it was in ruins still. To say that he was not aware that it was in ruins is to say that he put forth this proclamation without taking the trouble to ask a single question of those who were close at hand and were perfectly competent to give him information. Why, Sir, this defence is itself an accusation. I defy the honorable gentleman, the Secretary of the Board of Control, I defy all human ingenuity, to get his lordship clear off from both the horns of this dilemma. Either way, he richly deserves a parliamentary censure. Either he published this proclamation in the recklessness of utter ignorance without making the smallest inquiry; or else he, an English and a

Christian Governor, meant to build a temple to a heathen god at the public charge, in direct defiance of the commands of his official superiors. Turn and twist the matter which way you will, you can make nothing else of it. The stain is like the stain on Blue-Beard's key, in the nursery tale. As soon as you have scoured one side clean, the spot comes out on the other.

So much for the first charge, the charge of disobedience. It is fully made out; but it is not the heaviest charge which I bring against Lord Ellenborough. I charge him with having done that which, even if it had not been, as it was, strictly forbidden by the Home authorities, it would still have been a high crime to do. He ought to have known, without any instructions from home, that it was his duty not to take part in disputes among the false religions of the East; that it was his duty, in his official character, to show no marked preference for any of those religions, and to offer no marked insult to any. But, Sir, he has paid unseemly homage to one of those religions; he has grossly insulted another; and he has selected as the object of his homage the very worst and most degrading of those religions, and as the object of his insults the best and purest of them. The homage was paid to Lingamism. The insult was offered to Mahometanism. Lingamism is not merely idolatry, but idolatry in its most pernicious form. The honorable gentleman, the Secretary of the Board of Control, seemed to think that he had achieved a great victory when he had made out that his lordship's devotions had been paid, not to Vishnu, but to Siva. Sir, Vishnu is the preserving deity of the Hindoo Mythology; Siva is the destroying deity; and, as far as I have any preference for one of your Governor General's gods over another, I confess that my own tastes would lead me to prefer the preserving to the destroying power. Yes, Sir; the temple of Somnauth was sacred to Siva; and the honorable gentleman cannot but know by what emblem Siva is

represented, and with what rites he is adored. I will say no more. The Governor General, Sir, is in some degree protected by the very magnitude of his offence. I am ashamed to name those things to which he is not ashamed to pay public reverence. This god of destruction, whose images and whose worship it would be a violation of decency to describe, is selected as the object of homage. As the object of insult is selected a religion which has borrowed much of its theology and much of its morality from Christianity, a religion which in the midst of Polytheism teaches the unity of God, and, in the midst of idolatry, strictly proscribes the worship of images. The duty of our government is, as I said, to take no part in the disputes between Mahometans and idolaters. But, if our government does take a part, there cannot be a doubt that Mahometanism is entitled to the preference. Lord Ellenborough is of a different opinion. He takes away the gates from a Mahometan mosque, and solemnly offers them as a gift to a Pagan temple. Morally, this is a crime. Politically, it is a blunder. Nobody who knows anything of the Mahometans of India can doubt that this affront to their faith will excite their fiercest indignation. Their susceptibility on such points is extreme. Some of the most serious disasters that have ever befallen us in India have been caused by that susceptibility. Remember what happened at Vellore in 1806, and more recently at Bangalore. The mutiny of Vellore was caused by a slight shown to the Mahometan turban; the mutiny of Bangalore by disrespect said to have been shown to a Mahometan place of worship. If a Governor General had been induced by his zeal for Christianity to offer any affront to a mosque held in high veneration by Mussulmans, I should think that he had been guilty of indiscretion such as proved him to be unfit for his post. But to affront a mosque of peculiar dignity, not from zeal for Christianity, but for the sake of this loathsome god of destruction,

is nothing short of madness. Some temporary popularity Lord Ellenborough may no doubt gain in some quarters. I hear, and I can well believe, that some bigoted Hindoos have hailed this proclamation with delight, and have begun to entertain a hope that the British government is about to take their worship under its peculiar protection. But how long will that hope last? I presume that the right honorable Baronet, the First Lord of the Treasury, does not mean to suffer India to be governed on Brahminical principles. I presume that he will not allow the public revenue to be expended in rebuilding temples, adorning idols, and hiring courtesans. I have no doubt that there is already on the way to India such an admonition as will prevent Lord Ellenborough from persisting in the course on which he has entered. The consequence will be that the exultation of the Brahmins will end in mortification and anger. See, then, of what a complication of faults the Governor General is guilty. In order to curry favor with the Hindoos he has offered an inexpressible insult to the Mahometans; and now, in order to quiet the English, he is forced to disappoint and disgust the Hindoos. But, apart from the irritating effect which these transactions must produce on every part of the native population, is it no evil to have this continual wavering and changing? This is not the only case in which Lord Ellenborough has, with great pomp, announced intentions which he has not been able to carry into effect. It is his lordship's habit. He put forth a notification that his Durbar was to be honored by the presence of Dost Mahomed. Then came a notification that Dost Mahomed would not make his appearance there. In the proclamation which we are now considering his lordship announced to all the princes of India his resolution to set up these gates at Somnauth. The gates, it is now universally admitted, will not be set up there. All India will see that the Governor General has changed his mind. The change may be imputed to mere fickleness and lev-

ity. It may be imputed to the disapprobation with which his conduct has been regarded here. In either case he appears in a light in which it is much to be deplored that a Governor General should appear.

So much for the serious side of this business; and now for the ludicrous side. Even in our mirth, however, there is sadness; for it is no light thing that he who represents the British nation in India should be a jest to the people of India. We have sometimes sent them governors whom they loved, and sometimes governors whom they feared; but they never before had a governor at whom they laughed. Now, however, they laugh; and how can we blame them for laughing, when all Europe and all America are laughing too? You see, Sir, that the gentlemen opposite cannot keep their countenances. And no wonder. Was such a state paper ever seen in our language before? And what is the plea set up for all this bombast? Why, the honorable gentleman, the Secretary of the Board of Control, brings down to the House some translations of Persian letters from native princes. Such letters, as everybody knows, are written in a most absurd and turgid style. The honorable gentleman forces us to hear a good deal of this detestable rhetoric; and then he asks why, if the secretaries of the Nizam and of the King of Oude use all these tropes and hyperboles, Lord Ellenborough should not indulge in the same sort of eloquence? The honorable gentleman might as well ask why Lord Ellenborough should not sit cross-legged, why he should not let his beard grow to his waist, why he should not wear a turban, why he should not hang trinkets all about his person, why he should not ride about Calcutta on a horse jingling with bells and glittering with false pearls. The native princes do these things; and why should not he? Why, Sir, simply because he is not a native prince, but an English Governor General. When the people of India see a Nabob or a Rajah in all his gaudy finery, they bow to him with a

certain respect. They know that the splendor of his garb indicates superior rank and wealth. But if Sir Charles Metcalfe had so bedizened himself, they would have thought that he was out of his wits. They are not such fools as the honorable gentleman takes them for. Simplicity is not their fashion. But they understand and respect the simplicity of our fashions. Our plain clothing commands far more reverence than all the jewels which the most tawdry Zemindar wears; and our plain language carries with it far more weight than the florid diction of the most ingenious Persian scribe. The plain language and the plain clothing are inseparably associated in the minds of our subjects with superior knowledge, with superior energy, with superior veracity, with all the high and commanding qualities which erected, and which still uphold, our empire. Sir, if, as the speech of the honorable gentleman, the Secretary of the Board of Control, seems to indicate, Lord Ellenborough has adopted this style on principle, if it be his lordship's deliberate intention to mimic, in his state papers, the Asiatic modes of thought and expression, that alone would be a reason for recalling him. But the honorable gentleman is mistaken in thinking that this proclamation is in the Oriental taste. It bears no resemblance to the very bad Oriental compositions which he has read to us, nor to any other Oriental compositions that I ever saw. It is neither English nor Indian. It is not original, however; and I will tell the House where the Governor General found his models. He has apparently been studying the rants of the French Jacobins during the period of their ascendancy, the Carmagnoles of the Convention, the proclamations issued by the Directory and its Proconsuls: and he has been seized with a desire to imitate those compositions. The pattern which he seems to have especially proposed to himself is the rodomontade in which it was announced that the modern Gauls were marching to Rome in order to avenge the fate of Dum-

norix and Vercingetorix. Everybody remembers those lines in which revolutionary justice is described by Mr. Canning:—

“Not she in British courts who takes her stand,
The dawdling balance dangling in her hand;
But firm, erect, with keen reverted glance,
The avenging angel of regenerate France,
Who visits ancient sins on modern times,
And punishes the Pope for Cæsar’s crimes.”

In the same spirit and in the same style our Governor General has proclaimed his intention to retaliate on the Mussulmans beyond the mountains the insults which their ancestors, eight hundred years ago, offered to the idolatry of the Hindoos. To do justice to the Jacobins, however, I must say that they had an excuse which was wanting to the noble lord. The revolution had made almost as great a change in literary tastes as in political institutions. The old masters of French eloquence had shared the fate of the old states and of the old Parliaments. The highest posts in the administration were filled by persons who had no experience of affairs, who in the general confusion had raised themselves by audacity and quickness of natural parts, uneducated men or half-educated men, who had no notion that the style in which they had heard the heroes and villains of tragedies declaim on the stage was not the style of real warriors and statesmen. But was it for an English gentleman, a man of distinguished abilities and cultivated mind, a man who had sat many years in Parliament, and filled some of the highest posts in the state, to copy the productions of such a school?

But, it is said, what does it matter if the noble lord has written a foolish rhapsody which is neither prose nor verse? Is affected phraseology a subject for parliamentary censure? What great ruler can be named who has not committed errors much more serious than the penning of a few sentences of turgid nonsense? This, I admit, sounds plausible. It is quite true that very emi-

nent men, Lord Somers, for example, Sir Robert Walpole, Lord Chatham and his son, all committed faults which did much more harm than any fault of style can do. But I beg the House to observe this, that an error which produces the most serious consequences may not necessarily prove that the man who has committed it is not a very wise man; and that, on the other hand, an error which directly produces no important consequences may prove the man who has committed it to be quite unfit for public trust. Walpole committed a ruinous error when he yielded to the public cry for war with Spain. But, notwithstanding that error, he was an eminently wise man. Caligula, on the other hand, when he marched his soldiers to the beach, made them fill their helmets with cockle shells, and sent the shells to be placed in the Capitol as trophies of his conquests, did no great harm to anybody; but he surely proved that he was quite incapable of governing an empire. Mr. Pitt's expedition to Quiberon was most ill judged, and ended in defeat and disgrace. Yet Mr. Pitt was a statesman of a very high order. On the other hand, such ukases as those by which the Emperor Paul used to regulate the dress of the people of Petersburg, though they caused much less misery than the slaughter at Quiberon, proved that the Emperor Paul could not safely be trusted with power over his fellow creatures. One day he forbade the wearing of pantaloons. Another day he forbade his subjects to comb their hair over their foreheads. Then he proscribed round hats. A young Englishman, the son of a merchant, thought to evade this decree by going about the city in a hunting cap. Then came out an edict which made it penal to wear on the head a round thing such as the English merchant's son wore. Now, Sir, I say that, when I examine the substance of Lord Ellenborough's proclamation, and consider all the consequences which that paper is likely to produce, I am forced to say that he has committed a grave moral and

political offence. When I examine the style, I see that he has committed an act of eccentric folly, much of the same kind with Caligula's campaign against the cockles, and with the Emperor Paul's ukase against round hats. Consider what an extravagant self-confidence, what a disdain for the examples of his great predecessors and for the opinions of the ablest and most experienced men who are now to be found in the Indian services, this strange document indicates. Surely, it might have occurred to Lord Ellenborough that, if this kind of eloquence had been likely to produce a favorable impression on the minds of Asiatics, such Governors as Warren Hastings, Mr. Elphinstone, Sir Thomas Munro, and Sir Charles Metcalfe, men who were as familiar with the language and manners of the native population of India as any man here can be with the language and manners of the French, would not have left the discovery to be made by a newcomer who did not know any Eastern tongue. Surely, too, it might have occurred to the noble lord that, before he put forth such a proclamation, he would do well to ask some person who knew India intimately what the effect both on the Mahometans and Hindoos was likely to be. I firmly believe that the Governor General either did not ask advice or acted in direct opposition to advice. Mr. Maddock was with his lordship as acting Secretary. Now, I know enough of Mr. Maddock to be quite certain that he never counselled the Governor General to publish such a paper. I will pawn my life that he either was never called upon to give an opinion, or that he gave an opinion adverse to the course which has been taken. No Governor General who was on good terms with the civil service would have been, I may say, permitted to expose himself thus. Lord William Bentinck and Lord Auckland were, to be sure, the last men in the world to think of doing such a thing as this. But if either of those noble lords, at some unlucky moment when he was not quite himself, when his mind

was thrown off the balance by the pride and delight of an extraordinary success, had proposed to put forth such a proclamation, he would have been saved from committing so great a mistake by the respectful but earnest remonstrances of those in whom he placed confidence, and who were solicitous for his honor. From the appearance of this proclamation, therefore, I infer that the terms on which Lord Ellenborough is with the civil servants of the Company are such that those servants could not venture to offer him counsel when he most needed it.

For these reasons, Sir, I think the noble lord unfit for high public trust. Let us, then, consider the nature of the public trust which is now reposed in him. Are gentlemen aware that, even when he is at Calcutta, surrounded by his councillors, his single voice can carry any resolution concerning the executive administration against them all? They can object: they can protest: they can record their opinions in writing, and can require him to give in writing his reasons for persisting in his own course: but they must then submit. On the most important questions, on the question whether a war shall be declared, on the question whether a treaty shall be concluded, on the question whether the whole system of land revenue established in a great province shall be changed, his single vote weighs down the votes of all who sit at the Board with him. The right honorable Baronet opposite is a powerful minister, a more powerful minister than any that we have seen during many years. But I will venture to say that his power over the people of England is nothing when compared with the power which the Governor General possesses over the people of India. Such is Lord Ellenborough's power when he is with his council, and is to some extent held in check. But where is he now? He has given his council the slip. He is alone. He has near him no person who is entitled and bound to offer advice, asked or unasked: he asks no advice: and you cannot expect men to outstep the strict

line of their official duty by obtruding advice on a superior by whom it would be ungraciously received. The danger of having a rash and flighty Governor General is sufficiently serious, at the very best. But the danger of having such a Governor General up the country, eight or nine hundred miles from any person who has a right to remonstrate with him, is fearful indeed. Interests so vast, that the most sober language in which they can be described sounds hyperbolical, are entrusted to a single man; to a man who, whatever his parts may be, and they are doubtless considerable, has shown an indiscretion and temerity almost beyond belief; to a man who has been only a few months in India; to a man who takes no counsel with those who are well acquainted with India.

I cannot sit down without addressing myself to those Directors of the East India Company who are present. I exhort them to consider the heavy responsibility which rests on them. They have the power to recall Lord Ellenborough: and I trust that they will not hesitate to exercise that power. This is the advice of one who has been their servant, who has served them loyally, and who is still sincerely anxious for their credit and for the welfare of the empire of which they are the guardians. But if, from whatever cause, they are unwilling to recall the noble lord, then I implore them to take care that he be immediately ordered to return to Calcutta. Who can say what new freak we may hear of by the next mail? I am quite confident that neither the Court of Directors nor Her Majesty's Ministers can look forward to the arrival of that mail without great uneasiness. Therefore I say, send Lord Ellenborough back to Calcutta. There at least he will find persons who have a right to advise him and to expostulate with him, and who will, I doubt not, have also the spirit to do so. It is something that he will be forced to record his reasons for what he does. It is something that he will be forced to hear reasons against

his propositions. It is something that a delay, though only of twenty-four hours, will be interposed between the first conception of a wild scheme and the execution. I am afraid that these checks will not be sufficient to prevent much evil: but they are not absolutely nugatory. I entreat the Directors to consider in what a position they will stand if, in consequence of their neglect, some serious calamity should befall the country which is confided to their care. I will only say, in conclusion, that, if there be any use in having a Council of India, if it be not meant that the members of Council should draw large salaries for doing nothing, if they are really appointed for the purpose of assisting and restraining the Governor, it is to the last degree absurd that their powers should be in abeyance when there is a Governor who, of all the Governors that ever England sent to the East, stands most in need both of assistance and of restraint.

THE STATE OF IRELAND

FEBRUARY 19, 1844

On the thirteenth of February, 1844, Lord John Russell moved for a Committee of the whole House to take into consideration the state of Ireland. After a discussion of nine nights the motion was rejected by 324 votes to 225. On the fifth night of the debate the following Speech was made.

I CANNOT refrain, Sir, from congratulating you and the House that I did not catch your eye when I rose before. I should have been extremely sorry to have prevented any Irish member from addressing the House on a question so interesting to Ireland, but peculiarly sorry to have stood in the way of the honorable gentleman who to-night pleaded the cause of his country with so much force and eloquence.¹

I am sorry to say that I cannot reconcile it to my conscience to follow the advice which has been just given me by my honorable friend the Member for Pomfret,² with all the authority which, as he has reminded us, belongs to his venerable youth. I cannot at all agree with him in thinking that the wisest thing that we can do is to suffer Her Majesty's Ministers to go on in their own way, seeing that the way in which they have long been going on is an exceedingly bad one. I support the motion of my noble friend for these plain reasons.

First, I hold that Ireland is in a most unsatisfactory, indeed in a most dangerous, state.

Secondly, I hold that for the state in which Ireland is Her Majesty's Ministers are in a great measure account-

¹ Mr. J. O'Brien.

² Mr. R. Milnes.

able, and that they have not shown, either as legislators or as administrators, that they are capable of remedying the evils which they have caused.

Now, Sir, if I make out these two propositions, it will follow that it is the constitutional right and duty of the representatives of the nation to interfere; and I conceive that my noble friend, by moving for a Committee of the whole House, has proposed a mode of interference which is both parliamentary and convenient.

My first proposition, Sir, will scarcely be disputed. Both sides of the House are fully agreed in thinking that the condition of Ireland may well excite great anxiety and apprehension. That island, in extent about one fourth of the United Kingdom, in population more than one fourth, superior probably in natural fertility to any area of equal size in Europe, possessed of natural facilities for trade such as can nowhere else be found in an equal extent of coast, an inexhaustible nursery of gallant soldiers, a country far more important to the prosperity, the strength, the dignity of this great empire than all our distant dependencies together, than the Canadas and the West Indies added to Southern Africa, to Australia, to Ceylon, and to the vast dominions of the Moguls, that island, Sir, is acknowledged by all to be so ill affected and so turbulent that it must, in any estimate of our power, be not added but deducted. You admit that you govern that island, not as you govern England and Scotland, but as you govern your new conquests in Scinde; not by means of the respect which the people feel for the laws, but by means of bayonets, of artillery, of entrenched camps.

My first proposition, then, I take to be conceded. Ireland is in a dangerous state. The question which remains to be considered is, whether for the state in which Ireland is Her Majesty's Ministers are to be held accountable.

Now, Sir, I at once admit that the distempers of Ire-

land must in part be attributed to causes for which neither Her Majesty's present Ministers nor any public men now living can justly be held accountable. I will not trouble the House with a long dissertation on those causes. But it is necessary, I think, to take at least a rapid glance at them: and in order to do so, Sir, we must go back to a period not only anterior to the birth of the statesmen who are now arrayed against each other on the right and left of your chair, but anterior to the birth even of the great parties of which those statesmen are the leaders; anterior to the days when the names of Tory and Whig, of Court Party and Country Party, of Cavalier and Roundhead, came into use; anterior to the existence of those Puritans to whom the honorable Member for Shrewsbury,¹ in a very ingenious speech, ascribed all the calamities of Ireland.

The primary cause is, no doubt, the manner in which Ireland became subject to the English crown. The annexation was effected by conquest, and by conquest of a peculiar kind. It was not a conquest such as we have been accustomed to see in modern Europe. It was not a conquest like that which united Artois and Franche-Comté to France, or Silesia to Prussia. It was the conquest of a race by a race, such a conquest as that which established the dominion of the Spaniard over the American Indian, or of the Mahratta over the peasant of Guzerat or Tanjore. Of all forms of tyranny I believe that the worst is that of a nation over a nation. Populations separated by seas and mountain ridges may call each other natural enemies, may wage long wars with each other, may recount with pride the victories which they have gained over each other, and point to the flags, the guns, the ships which they have won from each other. But no enmity that ever existed between such populations approaches in bitterness the mutual enmity felt by populations which are locally intermingled, but which have

¹ Mr. Disraeli.

never morally and politically amalgamated; and such were the Englishry and the Irishry. Yet it might have been hoped that the lapse of time and the progress of civilization would have effaced the distinction between the oppressors and the oppressed. Our island had suffered cruelly from the same evil. Here the Saxon had trampled on the Celt, the Dane on the Saxon, the Norman on Celt, Saxon, and Dane. Yet in the course of ages all the four races had been fused together to form the great English people. A similar fusion would probably have taken place in Ireland but for the Reformation. The English settlers adopted the Protestant doctrines which were received in England. The Aborigines alone, among all the nations of the north of Europe, adhered to the ancient faith. Thus the line of demarcation between the two populations was deepened and widened. The old enmity was reinforced by a new enmity stronger still. Then came those events to which the honorable Member for Shrewsbury referred. The spirit of liberty in England was closely allied with the spirit of Puritanism, and was mortally hostile to the Papacy. Such men as Hampden, Vane, Milton, Locke, though zealous generally for civil and spiritual freedom, yet held that the Roman Catholic worship had no claim to toleration. On the other hand, all the four kings of the House of Stuart showed far more favor to Roman Catholics than to any class of Protestant nonconformists. James the First at one time had some hopes of effecting a reconciliation with the Vatican. Charles the First entered into secret engagements to grant an indulgence to Roman Catholics. Charles the Second was a concealed Roman Catholic. James the Second was an avowed Roman Catholic. Consequently, through the whole of the seventeenth century, the freedom of Ireland and the slavery of England meant the same thing. The watchwords, the badges, the names, the places, the days, which in the mind of an Englishman were associated with deliverance, prosperity,

national dignity, were in the mind of an Irishman associated with bondage, ruin, and degradation. The memory of William the Third, the anniversary of the battle of the Boyne, are instances. I was much struck by a circumstance which occurred on a day which I have every reason to remember with gratitude and pride, the day on which I had the high honor of being declared one of the first two members for the great borough of Leeds. My chair was covered with orange ribbons. The horses which drew it could hardly be seen for the profusion of orange colored finery with which they were adorned. Orange cockades were in all the hats; orange favors at all the windows. And my supporters, I need not say, were men who had, like myself, been zealous for Catholic emancipation. I could not help remarking that the badge seemed rather incongruous. But I was told that the friends of Catholic emancipation in Yorkshire had always rallied under the orange banner, that orange was the color of Sir George Savile, who brought in that bill which caused the No Popery riots of 1780, and that the very chair in which I sat was the chair in which Lord Milton, now Earl Fitzwilliam, had triumphed after the great victory which he won in 1807 over the No Popery party, then headed by the house of Harewood. I thought how different an effect that procession would have produced at Limerick or Cork, with what howls of rage and hatred the Roman Catholic population of those cities would have pursued that orange flag which, to every Roman Catholic in Yorkshire, was the memorial of contests maintained in favor of his own dearest rights. This circumstance, however slight, well illustrates the singular contrast between the history of England and the history of Ireland.

Well, Sir, twice during the seventeenth century the Irish rose up against the English colony. Twice they were completely put down; and twice they were severely chastised. The first rebellion was crushed by Oliver

Cromwell; the second by William the Third. Those great men did not use their victory exactly in the same way. The policy of Cromwell was wise, and strong, and straightforward, and cruel. It was comprised in one word, which, as Clarendon tells us, was often in the mouths of the Englishry of that time. That word was extirpation. The object of Cromwell was to make Ireland thoroughly Anglo-Saxon and Protestant. If he had lived twenty years longer he might perhaps have accomplished that work: but he died while it was incomplete; and it died with him. The policy of William, or, to speak more correctly, of those whose inclinations William was under the necessity of consulting, was less able, less energetic, and, though more humane in seeming, perhaps not more humane in reality. Extirpation was not attempted. The Irish Roman Catholics were permitted to live, to be fruitful, to replenish the earth: but they were doomed to be what the Helots were in Sparta, what the Greeks were under the Ottoman, what the blacks now are at New York. Every man of the subject caste was strictly excluded from public trust. Take what path he might in life, he was crossed at every step by some vexatious restriction. It was only by being obscure and inactive that he could, on his native soil, be safe. If he aspired to be powerful and honored, he must begin by being an exile. If he pined for military glory, he might gain a cross or perhaps a Marshal's staff in the armies of France or Austria. If his vocation was to politics, he might distinguish himself in the diplomacy of Italy or Spain. But at home he was a mere Gibeonite, a hewer of wood and a drawer of water. The statute book of Ireland was filled with enactments which furnish to the Roman Catholics but too good a ground for recriminating on us when we talk of the barbarities of Bonner and Gardiner; and the harshness of those odious laws was aggravated by a more odious administration. For, bad as the legislators were, the magistrates were worse still.

In those evil times originated that most unhappy hostility between landlord and tenant, which is one of the peculiar curses of Ireland. Oppression and turbulence reciprocally generated each other. The combination of rustic tyrants was resisted by gangs of rustic banditti. Courts of law and juries existed only for the benefit of the dominant sect. Those priests who were revered by millions as their natural advisers and guardians, as the only authorized expositors of Christian truth, as the only authorized dispensers of the Christian sacraments, were treated by the squires and squireens of the ruling faction as no good-natured man would treat the vilest beggar. In this manner a century passed away. Then came the French Revolution and the great awakening of the mind of Europe. It would have been wonderful indeed if, when the happiest and most tranquil nations were agitated by vague discontents and vague hopes, Ireland had remained at rest. Jacobinism, it is true, was not a very natural ally of the Roman Catholic religion. But common enmities produce strange coalitions; and a strange coalition was formed. There was a third great rising of the aboriginal population of the island against English and Protestant ascendancy. That rising was put down by the sword; and it became the duty of those who were at the head of affairs to consider how the victory should be used.

I shall not be suspected of being partial to the memory of Mr. Pitt. But I cannot refuse to him the praise both of wisdom and of humanity, when I compare the plan which he formed in that hour of triumph with the plans of those English rulers who had before him governed Ireland. Of Mr. Pitt's plan the Union was a part, an excellent and an essential part indeed, but still only a part. We shall do great injustice both to his head and to his heart if we forget that he was permitted to carry into effect only some unconnected portions of a comprehensive and well-concerted scheme. He wished to blend, not only the Parliaments, but the nations, and to make

the two islands one in interest and affection. With that view the Roman Catholic disabilities were to be removed: the Roman Catholic priests were to be placed in a comfortable and honorable position; and measures were to be taken for the purpose of giving to Roman Catholics the benefits of liberal education. In truth, Mr. Pitt's opinions on those subjects had, to a great extent, been derived from a mind even more powerful and capacious than his own, from the mind of Mr. Burke. If the authority of these two great men had prevailed, I believe that the Union with Ireland would now have been as secure, and as much beyond the reach of agitation, as the Union with Scotland. The Parliament in College Green would have been remembered as what it was, the most tyrannical, the most venal, the most unprincipled assembly that ever sat on the face of this earth. I do not think that, by saying this, I can give offence to any gentleman from Ireland, however zealous for Repeal he may be: for I only repeat the language of Wolfe Tone. Wolfe Tone said that he had seen more deliberative assemblies than most men; that he had seen the English Parliament, the American Congress, the French Council of Elders and Council of Five Hundred, the Batavian Convention; but that he had nowhere found anything like the baseness and impudence of the scoundrels, as he called them, at Dublin. If Mr. Pitt's whole plan had been carried into execution, that infamous Parliament, that scandal to the name of Parliament, would have perished unregretted; and the last day of its existence would have been remembered by the Roman Catholics of Ireland as the first day of their civil and religious liberty. The great boon which he would have conferred on them would have been gratefully received, because it could not have been ascribed to fear, because it would have been a boon bestowed by the powerful on the weak, by the victor on the vanquished. Unhappily, of all his projects for the benefit of Ireland, the Union alone was carried

into effect; and therefore that Union was a Union only in name. The Irish found that they had parted with at least the name and show of independence, and that for this sacrifice of national pride they were to receive no compensation. The Union, which ought to have been associated in their minds with freedom and justice, was associated only with disappointed hopes and forfeited pledges. Yet it was not even then too late. It was not too late in 1813. It was not too late in 1821. It was not too late in 1825. Yes: if, even in 1825, some men who then were, as they now are, high in the service of the crown, could have made up their minds to do what they were forced to do four years later, that great work of conciliation which Mr. Pitt had meditated might have been accomplished. The machinery of agitation was not yet fully organized: the government was under no strong pressure; and therefore concession might still have been received with thankfulness. That opportunity was suffered to escape; and it never returned.

In 1829, at length, concessions were made, were made largely, were made without the conditions which Mr. Pitt would undoubtedly have demanded, and to which, if demanded by Mr. Pitt, the whole body of Roman Catholics would have eagerly assented. But those concessions were made reluctantly, made ungraciously, made under duress, made from the mere dread of civil war. How, then, was it possible that they should produce contentment and repose? What could be the effect of that sudden and profuse liberality following that long and obstinate resistance to the most reasonable demands, except to teach the Irishman that he could obtain redress only by turbulence? Could he forget that he had been, during eight-and-twenty years, supplicating Parliament for justice, urging those unanswerable arguments which prove that the rights of conscience ought to be held sacred, claiming the performance of promises made by ministers and princes, and that he had supplicated, argued, claimed the performance

of promises in vain? Could he forget that two generations of the most profound thinkers, the most brilliant wits, the most eloquent orators, had written and spoken for him in vain? Could he forget that the greatest statesmen who took his part had paid dear for their generosity? Mr. Pitt endeavored to redeem his pledge; and he was driven from office. Lord Grey and Lord Grenville endeavored to do but a very small part of what Mr. Pitt had thought right and expedient; and they were driven from office. Mr. Canning took the same side; and his reward was to be worried to death by the party of which he was the brightest ornament. At length, when he was gone, the Roman Catholics began to look, not to cabinets and Parliaments, but to themselves. They displayed a formidable array of physical force, and yet kept within, just within, the limits of the law. The consequence was that, in two years, more than any prudent friend had ventured to demand for them was granted to them by their enemies. Yes; within two years after Mr. Canning had been laid in the transept near us, all that he would have done, and more than he could have done, was done by his persecutors. How was it possible that the whole Roman Catholic population of Ireland should not take up the notion that from England, or at least from the party which then governed and which now governs England, nothing is to be got by reason, by entreaty, by patient endurance, but everything by intimidation? That tardy repentance deserved no gratitude, and obtained none. The whole machinery of agitation was complete and in perfect order. The leaders had tasted the pleasures of popularity; the multitude had tasted the pleasures of excitement. Both the demagogue and his audience felt a craving for the daily stimulant. Grievances enough remained, God knows, to serve as pretexts for agitation: and the whole conduct of the government had led the sufferers to believe that by agitation alone could any grievance be removed.

Such, Sir, is the history of the rise and progress of the disorders of Ireland. Misgovernment, lasting without interruption from the reign of Henry the Second to the reign of William the Fourth, has left us an immense mass of discontent, which will, no doubt, in ordinary times, make the task of any statesman whom the Queen may call to power sufficiently difficult. But, though this be true, it is not less true that the immediate causes of the extraordinary agitation which alarms us at this moment is to be found in the misconduct of Her Majesty's present advisers. For, Sir, though Ireland is always combustible, Ireland is not always on fire. We must distinguish between the chronic complaints which are to be attributed to remote causes, and the acute attack, which is brought on by recent imprudence. For, though there is always a predisposition to disease in that unhappy society, the violent paroxysms come only at intervals. I must own that I am indebted for some of my imagery to the right honorable Baronet the First Lord of the Treasury. When he sat on this bench, and was only a candidate for the great place which he now fills, he compared himself to a medical man at the bedside of a patient. Continuing his metaphor, I may say that his prognosis, his diagnosis, his treatment, have all been wrong. I do not deny that the case was difficult. The sufferer was of a very ill habit of body, and had formerly suffered many things of many physicians, and, among others, I must say, of the right honorable Baronet himself. Still the malady had, a very short time ago, been got under, and kept under, by the judicious use of lenitives; and there was reason to hope that if that salutary regimen had been steadily followed, there would have been a speedy improvement in the general health. Unhappily, the new state hygeist chose to apply irritants which have produced a succession of convulsive fits, each more violent than that which preceded it. To drop the figure, it is impossible to doubt that Lord Melbourne's

government was popular with the great body of the Roman Catholics of Ireland. It is impossible to doubt that the two Viceroys whom he sent to Ireland were more loved and honored by the Irish people than any Viceroys before whom the sword of state has ever been borne. Under the late government, no doubt, the empire was threatened by many dangers; but, to whatever quarter the Ministers might look with uneasy apprehension, to Ireland they could always look with confidence. When bad men raised disturbances here, when a Chartist rabble fired on the Queen's soldiers, numerous regiments could, without the smallest risk, be spared from Ireland. When a rebellion broke out in one of our colonies, — a rebellion, too, which it might have been expected that the Irish would regard with favor, for it was a rebellion of Roman Catholics against Protestant rulers, — even then Ireland was true to the general interests of the empire, and troops were sent from Munster and Connaught to put down insurrection in Canada. No person will deny that if, in 1840, we had unhappily been forced into war, and if a hostile army had landed in Bantry Bay, the whole population of Cork and Tipperary would have risen up to defend the throne of Her Majesty, and would have offered to the invaders a resistance as determined as would have been offered by the men of Kent or Norfolk. And by what means was this salutary effect produced? Not by great legislative reforms: for, unfortunately, that government, though it had the will, had not the power, to carry such reforms against the sense of a strong minority in this House, and of a decided majority of the Peers. No, Sir, this effect was produced merely by the wisdom, justice, and humanity with which the existing law, defective as it might be, was administered. The late government, calumniated and thwarted at every turn, contending against the whole influence of the Established Church, and of the great body of the nobility and landed gentry, yet did show a disposition to act kindly and fairly

towards Ireland, and did, to the best of its power, treat Protestants and Roman Catholics alike. If we had been as strong as our successors in parliamentary support, if we had been able to induce the two Houses to follow in legislation the same principles by which we were guided in administration, the Union with Ireland would now have been as secure from the assaults of agitators as the Union with Scotland. But this was not to be. During six years an opposition, formidable in numbers, formidable in ability, selected as the especial object of the fiercest and most pertinacious attacks those very acts of the government which had, after centuries of mutual animosity, half reconciled the two islands. Those Lords Lieutenants who, in Ireland, were venerated as no preceding Lord Lieutenant had ever been venerated, were here reviled as no preceding Lord Lieutenant had ever been reviled. Every action, every word which was applauded by the nation committed to their care, was here imputed to them as a crime. Every bill framed by the advisers of the Crown for the benefit of Ireland was either rejected or mutilated. A few Roman Catholics of distinguished merit were appointed to situations which were indeed below their just claims, but which were higher than any member of their Church had filled during many generations. Two or three Roman Catholics were sworn of the Council; one took his seat at the Board of Treasury; another at the Board of Admiralty. There was great joy in Ireland; and no wonder. What had been done was not much; but the ban had been taken off; the Emancipation Act, which had been little more than a dead letter, was at length a reality. But in England all the underlings of the great Tory party set up a howl of rage and hatred worthy of Lord George Gordon's No Popery mob. The right honorable Baronet now at the head of the Treasury, with his usual prudence, abstained from joining in the cry, and was content to listen to it, to enjoy it, and to profit by it. But some of

those who ranked next to him among the chiefs of the opposition did not imitate his politic reserve. One great man denounced the Irish as aliens. Another called them minions of Popery. Those teachers of religion to whom millions looked up with affection and reverence were called by the Protestant press demon priests and surpliced ruffians, and were denounced from the Protestant pulpit as pontiffs of Baal, as false prophets who were to be slain with the sword. We were reminded that a Queen of the chosen people had in the old time patronized the ministers of idolatry, and that her blood had been given to the dogs. Not content with throwing out or frittering down every law beneficial to Ireland, not content with censuring in severe terms every act of the executive government which gave satisfaction in Ireland, you, yes, you, who now fill the great offices of state, assumed the offensive. From obstruction you proceeded to aggression. You brought in a bill which you called a Bill for the Registration of Electors in Ireland. We then told you that it was a bill for the wholesale disfranchisement of the electors of Ireland. We then proved incontrovertibly that, under pretence of reforming the law of procedure, you were really altering the substantive law; that, by making it impossible for any man to vindicate his right to vote without trouble, expense, and loss of time, you were really taking away the votes of tens of thousands. You denied all this then. You very coolly admit it all now. Am I to believe that you did not know it as well in 1841 as in 1844? Has one new fact been brought to light? Has one argument been discovered which was not, three or four years ago, urged twenty, thirty, forty times in this House? Why is it that you have, when in power, abstained from proposing that change in the mode of registration which, when you were out of power, you represented as indispensable? You excuse yourselves by saying that now the responsibilities of office are upon you. In plain words, your

trick has served its purpose. Your object, — for I will do justice to your patriotism, — your object was not to ruin your country, but to get in; and you are in. Such public virtue deserved such a reward, a reward which has turned out a punishment, a reward which ought to be, while the world lasts, a warning to unscrupulous ambition. Many causes contributed to place you in your present situation. But the chief cause was, beyond all doubt, the prejudice which you excited amongst the English against the just and humane manner in which the late ministers governed Ireland. In your impatience for office, you called up the devil of religious intolerance, a devil more easily evoked than dismissed. He did your work; and he holds your bond. You once found him an useful slave; but you have since found him a hard master. It was pleasant, no doubt, to be applauded by high churchmen and low churchmen, by the Sheldonian Theatre and by Exeter Hall. It was pleasant to be described as the champions of the Protestant faith, as the men who stood up for the Gospel against that spurious liberality which made no distinction between truth and falsehood. It was pleasant to hear your opponents called by every nickname that is to be found in the foul vocabulary of the Reverend Hugh MacNeill. It was pleasant to hear that they were the allies of Antichrist, that they were the servants of the man of sin, that they were branded with the mark of the Beast. But when all this slander and scurrility had raised you to power, when you found that you had to manage millions of those who had been, year after year, constantly insulted and defamed by yourselves and your lackeys, your hearts began to fail you. Now you tell us that you have none but kind and respectful feelings towards the Irish Roman Catholics, that you wish to conciliate them, that you wish to carry the Emancipation Act into full effect, that nothing would give you more pleasure than to place on the bench of justice a Roman Catholic lawyer of conservative poli-

tics, that nothing would give you more pleasure than to place at the Board of Treasury, or at the Board of Admiralty, some Roman Catholic gentleman of conservative politics, distinguished by his talents for business or debate. Your only reason, you assure us, for not promoting Roman Catholics is that all the Roman Catholics are your enemies; and you ask whether any minister can be expected to promote his enemies. For my part, I do not doubt that you would willingly promote Roman Catholics: for, as I have said, I give you full credit for not wishing to do your country more harm than is necessary for the purpose of turning out and keeping out the Whigs. I also fully admit that you cannot be blamed for not promoting your enemies. But what I want to know is, how it happens that all the Roman Catholics in the United Kingdom are your enemies. Was such a thing ever heard of before? Here are six or seven millions of people of all professions, of all trades, of all grades of rank, fortune, intellect, education. Begin with the premier Peer, the Earl Marshal of the realm, the chief of the Howards, the heir of the Mowbrays and Fitzalans, and go down through earls, barons, baronets, lawyers, and merchants, to the very poorest peasant that eats his potatoes without salt in Mayo; and all these millions to a man are arrayed against the government. How do you explain this? Is there any natural connection between the Roman Catholic theology and the political theories held by Whigs and by reformers more democratical than the Whigs? Not only is there no natural connection, but there is a natural opposition. Of all Christian sects the Roman Catholic Church holds highest the authority of antiquity, of tradition, of immemorial usage. Her spirit is eminently conservative, nay, in the opinion of all Protestants, conservative to an unreasonable and pernicious extent. A man who has been taught from childhood to regard with horror all innovation in religion is surely less likely than another man to be a

bold innovator in politics. It is probable that a zealous Roman Catholic, if there were no disturbing cause, would be a Tory; and the Roman Catholics were all Tories till you persecuted them into Whiggism and Radicalism. In the civil war, how many Roman Catholics were there in Fairfax's army? I believe, not one. They were all under the banner of Charles the First. When a reward of five thousand pounds was offered for Charles the Second alive or dead, when to conceal him was to run a most serious risk of the gallows, it was among Roman Catholics that he found shelter. It has been the same in other countries. When everything else in France was prostrate before the Jacobins, the Roman Catholic peasantry of Brittany and Poitou still stood up for the House of Bourbon. Against the gigantic power of Napoleon, the Roman Catholic peasantry of the Tyrol maintained unaided the cause of the House of Hapsburg. It would be easy to multiply examples. And can we believe, in defiance of all reason and of all history, that, if the Roman Catholics of the United Kingdom had been tolerably well governed, they would not have been attached to the government? In my opinion the Tories never committed so great an error as when they scourged away and spurned away the Roman Catholics. Mr. Burke understood this well. The sentiment which, towards the close of his life, held entire possession of his mind, was a horror — a morbid horror it at last became — of Jacobinism, and of everything that seemed to him to tend towards Jacobinism: and, like a great statesman and philosopher, — for such he was even in his errors, — he perceived, and he taught Mr. Pitt to perceive, that, in the war against Jacobinism, the Roman Catholics were the natural allies of royalty and aristocracy. But the help of these allies was contumeliously rejected by those politicians who make themselves ridiculous by carousing on Mr. Pitt's birthday, while they abjure all Mr. Pitt's principles. The consequence is, as you are forced to

own, that there is not in the whole kingdom a Roman Catholic of note who is your friend. Therefore, whatever your inclinations may be, you must entrust power in Ireland to Protestants, to Ultra-Protestants, to men who, whether they belong to Orange lodges or not, are in spirit Orangemen. Every appointment which you make increases the discontent of the Roman Catholics. The more discontented they are, the less you can venture to employ them. The way in which you treated them while you were in opposition has raised in them such a dislike and distrust of you that you cannot carry the Emancipation Act into effect, though, as you tell us, and as I believe, you sincerely desire to do so. As respects the offices of which you dispose, that Act is null and void. Of all the boons which that Act purports to bestow on Roman Catholics they really enjoy only one, admission to Parliament; and that they would not enjoy if you had been able three years ago to carry your Irish Registration Bill. You have wounded national feeling: you have wounded religious feeling: and the animosity which you have roused shows itself in a hundred ways, some of which I abhor, some of which I lament, but at none of which I can wonder. They are the natural effects of insult and injury on quick and ill-regulated sensibility. You, for your own purposes, inflamed the public mind of England against Ireland: and you have no right to be surprised by finding that the public mind of Ireland is inflamed against England. You called a fourth part of the people of the United Kingdom aliens: and you must not blame them for feeling and acting like aliens. You have filled every public department with their enemies. What, then, could you expect but that they would set up against your Lord Lieutenant and your official hierarchy a more powerful chief and a more powerful organization of their own? They remember, and it would be strange indeed if they had forgotten, what, under the same chief, and by a similar organization, they

extorted from you in 1829; and they are determined to try whether you are bolder and more obstinate now than then.

Such are the difficulties of this crisis. To a great extent they are of your own making. And what have you done in order to get out of them? Great statesmen have sometimes committed great mistakes, and yet have by wisdom and firmness extricated themselves from the embarrassments which those mistakes had caused. Let us see whether you are entitled to rank among such statesmen. And first, what, — commanding, as you do, a great majority in this and in the other House of Parliament, — what have you done in the way of legislation? The answer is very short and simple. The beginning and end of all your legislation for Ireland will be found in the Arms Act of last session. You will hardly call that conciliation; and I shall not call it coercion. It was mere petty annoyance. It satisfied nobody. We called on you to redress the wrongs of Ireland. Many of your own friends called on you to stifle her complaints. One noble and learned person was so much disgusted by your remissness that he employed his own great abilities and his own valuable time in framing a new coercion bill for you. You were deaf alike to us and to him. The whole fruit of your legislative wisdom was this one paltry teasing police regulation.

Your executive administration through the whole recess has been one long blunder. The way in which your Lord Lieutenant and his advisers acted about the Clontarf meeting would alone justify a severe vote of censure. The noble lord, the Secretary for the Colonies,¹ has told us that the government did all that was possible to caution the people against attending that meeting, and that it would be unreasonable to censure men for not performing impossibilities. Now, Sir, the ministers themselves acknowledge that, as early as the morning of the Friday

¹ Lord Stanley.

which preceded the day fixed for the meeting, the Lord Lieutenant determined to put forth a proclamation against the meeting. Yet the proclamation was not published in Dublin and the suburbs till after nightfall on Saturday. The meeting was fixed for the Sunday morning. Will any person have the hardihood to assert that it was impossible to have a proclamation drawn up, printed, and circulated in twenty-four hours, nay, in six hours. It is idle to talk of the necessity of weighing well the words of such a document. The Lord Lieutenant should have weighed well the value of the lives of his royal mistress's subjects. Had he done so, there can be no doubt that the proclamation might have been placarded on every wall in and near Dublin early in the forenoon of the Saturday. The negligence of the government would probably have caused the loss of many lives but for the interposition of the man whom you are persecuting. Fortune stood your friend; and he stood your friend; and thus a slaughter more terrible than that which took place twenty-five years ago at Manchester was averted.

But you were incorrigible. No sooner had you, by strange good luck, got safe out of one scrape, than you made haste to get into another out of which, as far as I can see, you have no chance of escape. You instituted the most unwise, the most unfortunate of all state prosecutions. You seem not to have at all known what you were doing. It appears never to have occurred to you that there was any difference between a criminal proceeding which was certain to fix the attention of the whole civilized world and an ordinary *qui tam* action for a penalty. The evidence was such and the law such that you were likely to get a verdict and a judgment; and that was enough for you. Now, Sir, in such a case as this, the probability of getting the verdict and the judgment is only a part, and a very small part, of what a statesman ought to consider. Before you determined to bring the most able, the most powerful, the most popular of your

opponents to the bar as a criminal, on account of the manner in which he had opposed you, you ought to have asked yourselves whether the decision which you expected to obtain from the tribunals would be ratified by the voice of your own country, of foreign countries, of posterity; whether the general opinion of mankind might not be that, though you were legally in the right, you were morally in the wrong. It was no common person that you were bent on punishing. About that person I feel, I own, considerable difficulty in saying anything. He is placed in a situation which would prevent generous enemies, which has prevented all the members of this House, with one ignominious exception, from assailing him acrimoniously. I will try, in speaking of him, to pay the respect due to eminence and to misfortune, without violating the respect due to truth. I am convinced that the end which he is pursuing is not only mischievous but unattainable: and some of the means which he has stooped to use for the purpose of attaining that end I regard with deep disapprobation. But it is impossible for me not to see that the place which he holds in the estimation of his countrymen is such as no popular leader in our history, I might perhaps say in the history of the world, has ever attained. Nor is the interest which he inspires confined to Ireland or to the United Kingdom. Go where you will on the Continent: visit any coffee-house: dine at any public table: embark on board of any steamboat: enter any diligence, any railway carriage: from the moment that your accent shows you to be an Englishman, the very first question asked by your companions, be they what they may, physicians, advocates, merchants, manufacturers, or what we should call yeomen, is certain to be "What will be done with Mr. O'Connell?" Look over any file of French journals; and you will see what a space he occupies in the eyes of the French people. It is most unfortunate, but it is a truth, and a truth which we ought always to bear in

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mind, that there is among our neighbors a feeling about the connection between England and Ireland not very much unlike the feeling which exists here about the connection between Russia and Poland. All the sympathies of all Continental politicians are with the Irish. We are regarded as the oppressors, and the Irish as the oppressed. An insurrection in Ireland would have the good wishes of a great majority of the people of Europe. And, Sir, it is natural that it should be so. For the cause of the Irish repealers has two different aspects, a democratic aspect, and a Roman Catholic aspect, and is therefore regarded with favor by foreigners of almost every shade of opinion. The extreme left—to use the French nomenclature—wishes success to a great popular movement against the throne and the aristocracy. The extreme right wishes success to a movement headed by the bishops and priests of the true church against a heretical government and a heretical hierarchy. The consequence is that, in a contest with Ireland, you will not have, out of this island, a single well-wisher in the world. I do not say this in order to intimidate you. But I do say that, on an occasion on which all Christendom was watching your conduct with an unfriendly and suspicious eye, you should have carefully avoided everything that looked like foul play. Unhappily you were too much bent on gaining the victory; and you have gained a victory more disgraceful and disastrous than any defeat. Mr. O'Connell has been convicted: but you cannot deny that he has been wronged: you cannot deny that irregularities have been committed, or that the effect of those irregularities has been to put you in a better situation and him in a worse situation than the law contemplated. It is admitted that names which ought to have been in the jury list were not there. It is admitted that all, or almost all, the names which were wrongfully excluded were the names of Roman Catholics. As to the number of those who were wrongfully excluded

there is some dispute. An affidavit has been produced which puts the number at twenty-seven. The right honorable gentleman, the Recorder of Dublin, who of course puts the number as low as he conscientiously can, admits twenty-four. But some gentlemen maintain that this irregularity, though doubtless blamable, cannot have had any effect on the event of the trial. What, they ask, are twenty or twenty-seven names in seven hundred and twenty? Why, Sir, a very simple arithmetical calculation will show that the irregularity was of grave importance. Of the seven hundred and twenty, forty-eight were to be selected by lot, and then reduced by alternate striking to twelve. The forty-eighth part of seven hundred and twenty is fifteen. If, therefore, there had been fifteen more Roman Catholics in the jury list, it would have been an even chance that there would have been one Roman Catholic more among the forty-eight. If there had been twenty-seven more Roman Catholics in the list it would have been almost an even chance that there would have been two Roman Catholics more among the forty-eight. Is it impossible, is it improbable that, but for this trick or this blunder, — I will not now inquire which, — the result of the trial might have been different? For, remember the power which the law gives to a single juror. He can, if his mind is fully made up, prevent a conviction. I heard murmurs when I used the word trick. Am I not justified in feeling a doubt which it is quite evident that Mr. Justice Perrin feels? He is reported to have said, — and I take the report of newspapers favorable to the government, — he is reported to have said that there had been great carelessness, great neglect of duty, that there were circumstances which raised grave suspicion, and that he was not prepared to say that the irregularity was accidental. The noble lord the Secretary for the Colonies has admonished us to pay respect to the judges. I am sure that I pay the greatest respect to everything that falls from Mr. Justice Perrin.

He must know much better than I, much better than any English gentleman, what artifices are likely to be employed by Irish functionaries for the purpose of packing a jury; and he tells us that he is not satisfied that this irregularity was the effect of mere inadvertence. But, says the right honorable Baronet, the Secretary for the Home Department, "I am not responsible for this irregularity." Most true; and nobody holds the right honorable Baronet responsible for it. But he goes on to say, "I lament this irregularity most sincerely: for I believe that it has raised a prejudice against the administration of justice." Exactly so. That is just what I say. I say that a prejudice has been created against the administration of justice. I say that a taint of suspicion has been thrown on the verdict which you have obtained. And I ask whether it is right and decent in you to avail yourselves of a verdict on which such a taint has been thrown? The only wise, the only honorable course open to you was to say, "A mistake has been committed: that mistake has given us an unfair advantage; and of that advantage we will not make use." Unhappily, the time when you might have taken this course, and might thus to a great extent have repaired your former errors, has been suffered to elapse.

Well, you had forty-eight names taken by lot from this mutilated jury list: and then came the striking. You struck out all the Roman Catholic names: and you give us your reasons for striking out these names, reasons which I do not think it worth while to examine. The real question which you should have considered was this: Can a great issue between two hostile religions — for such the issue was — be tried in a manner above all suspicion by a jury composed exclusively of men of one of those religions? I know that in striking out the Roman Catholics you did nothing that was not according to technical rules. But my great charge against you is that you have looked on this whole case in a technical

point of view, that you have been attorneys when you should have been statesmen. The letter of the law was doubtless with you; but not the noble spirit of the law. The jury *de medietate linguæ* is of immemorial antiquity among us. Suppose that a Dutch sailor at Wapping is accused of stabbing an Englishman in a brawl. The fate of the culprit is decided by a mixed body, by six Englishmen and six Dutchmen. Such were the securities which the wisdom and justice of our ancestors gave to aliens. You are ready enough to call Mr. O'Connell an alien when it serves your purposes to do so. You are ready enough to inflict on the Irish Roman Catholic all the evils of alienage. But the one privilege, the one advantage of alienage, you deny him. In a case which of all cases most required a jury *de medietate*, in a case which sprang out of the mutual hostility of races and sects, you pack a jury all of one race and all of one sect. Why, if you were determined to go on with this unhappy prosecution, not have a common jury? There was no difficulty in having such a jury; and among the jurors might have been some respectable Roman Catholics who were not members of the Repeal Association. A verdict of Not Guilty from such a jury would have done you infinitely less harm than the verdict of Guilty which you have succeeded in obtaining. Yes, you have obtained a verdict of Guilty; but you have obtained that verdict from twelve men brought together by illegal means, and selected in such a manner that their decision can inspire no confidence. You have obtained that verdict by the help of a Chief Justice of whose charge I can hardly trust myself to speak. To do him right, however, I will say that his charge was not, as it has been called, unprecedented; for it bears a very close resemblance to some charges which may be found in the state trials of the reign of Charles the Second. However, with this jury list, with this jury, with this judge, you have a verdict. And what have you gained by it? Have you

pacified Ireland? No doubt there is just at the present moment an apparent tranquillity; but it is a tranquillity more alarming than turbulence. The Irish will be quiet till you begin to put the sentence of imprisonment into execution, because, feeling the deepest interest in the fate of their persecuted Tribune, they will do nothing that can be prejudicial to him. But will they be quiet when the door of a jail has been closed on him? Is it possible to believe that an agitator, whom they adored while his agitation was a source of profit to him, will lose his hold on their affections by being a martyr in what they consider as their cause? If I, who am strongly attached to the Union, who believe that the Repeal of the Union would be fatal to the empire, and who think Mr. O'Connell's conduct highly reprehensible, cannot conscientiously say that he has had a fair trial, if the prosecutors themselves are forced to own that things have happened which have excited a prejudice against the verdict and the judgment, what must be the feelings of the people of Ireland, who believe not merely that he is guiltless, but that he is the best friend that they ever had? He will no longer be able to harangue them: but his wrongs will stir their blood more than his eloquence ever did; nor will he in confinement be able to exercise that influence which has so often restrained them, even in their most excited mood, from proceeding to acts of violence.

Turn where we will, the prospect is gloomy; and that which of all things most disturbs me is this, that your experience, sharp as it has been, does not seem to have made you wiser. All that I have been able to collect from your declarations leads me to apprehend that, while you continue to hold power, the future will be of a piece with the past. As to your executive administration, you hold out no hope that it will be other than it has been. If we look back, your only remedies for the disorders of Ireland have been an impolitic state prosecution, an

unfair state trial, barracks and soldiers. If we look forward, you promise us no remedies but an unjust sentence, the harsh execution of that sentence, more barracks and more soldiers.

You do indeed try to hold out hopes of one or two legislative reforms beneficial to Ireland; but these hopes, I am afraid, will prove delusive. You hint that you have prepared a Registration bill, of which the effect will be to extend the elective franchise. What the provisions of that bill may be we do not know. But this we know, that the matter is one about which it is utterly impossible for you to do anything that shall be at once honorable to yourselves and useful to the country. Before we see your plan, we can say with perfect confidence that it must either destroy the last remnant of the representative system in Ireland, or the last remnant of your own character for consistency.

About the much agitated question of land tenure you acknowledge that you have at present nothing to propose. We are to have a report, but you cannot tell us when.

The Irish Church, as at present constituted and endowed, you are fully determined to uphold. On some future occasion, I hope to be able to explain at large my views on that subject. To-night I have exhausted my own strength, and I have exhausted also, I am afraid, the kind indulgence of the House. I will therefore only advert very briefly to some things which have been said about the Church in the course of the present debate.

Several gentlemen opposite have spoken of the religious discord which is the curse of Ireland in language which does them honor; and I am only sorry that we are not to have their votes as well as their speeches. But from the Treasury bench we have heard nothing but this, that the Established Church is there, and that there it must and shall remain. As to the Speech of the noble lord the Secretary for the Colonies, really when we hear such a pitiable defence of a great institution from a man

of such eminent abilities, what inference can we draw but that the institution is altogether indefensible? The noble lord tells us that the Roman Catholics, in 1757, when they were asking to be relieved from the penal laws, and in 1792, when they were asking to be relieved from civil disabilities, professed to be quite willing that the Established Church should retain its endowments. What is it to us, Sir, whether they did or not? If you can prove this Church to be a good institution, of course it ought to be maintained. But do you mean to say that a bad institution ought to be maintained because some people who have been many years in their graves said that they did not complain of it? What if the Roman Catholics of the present generation hold a different language on this subject from the Roman Catholics of the last generation? Is this inconsistency, which appears to shock the noble lord, anything but the natural and inevitable progress of all reform? People who are oppressed, and who have no hope of obtaining entire justice, beg to be relieved from the most galling part of what they suffer. They assure the oppressor that if he will only relax a little of his severity they shall be quite content; and perhaps, at the time, they believe that they shall be content. But are expressions of this sort, are mere supplications uttered under duress, to estop every person who utters them, and all his posterity to the end of time, from asking for entire justice? Am I debarred from trying to recover property of which I have been robbed, because, when the robber's pistol was at my breast, I begged him to take everything that I had and to spare my life? The noble lord knows well that, while the slave trade existed, the great men who exerted themselves to put an end to that trade disclaimed all thought of emancipating the negroes. In those days, Mr. Pitt, Mr. Fox, Lord Grenville, Lord Grey, and even my dear and honored friend of whom I can never speak without emotion, Mr. Wilberforce, always said that it was a

calumny to accuse them of intending to liberate the black population of the sugar islands. In 1807 the present Duke of Northumberland, then Lord Percy, in the generous enthusiasm of youth, rose to propose in this House the abolition of slavery. Mr. Wilberforce interposed, nay, I believe, almost pulled Lord Percy down. Nevertheless in 1833 the noble lord the Secretary for the Colonies brought in a bill to abolish slavery. Suppose that when he resumed his seat, after making that most eloquent speech in which he explained his plan to us, some West Indian planter had risen, and had said that in 1792, in 1796, in 1807, all the leading philanthropists had solemnly declared that they had no intention of emancipating the negroes; would not the noble lord have answered that nothing that had been said by anybody in 1792 or 1807 could bind us not to do what was right in 1833?

This is not the only point on which the noble lord's speech is quite at variance with his own conduct. He appeals to the fifth article of the Treaty of Union. He says that, if we touch the revenues and privileges of the Established Church, we shall violate that article; and to violate an article of the Treaty of Union is, it seems, a breach of public faith of which he cannot bear to think. But, Sir, why is the fifth article to be held more sacred than the fourth, which fixes the number of Irish members who are to sit in this House? The fourth article, we all know, has been altered. And who brought in the bill which altered that article? The noble lord himself.

Then the noble lord adverts to the oath taken by Roman Catholic members of this House. They bind themselves, he says, not to use their power for the purpose of injuring the Established Church. I am sorry that the noble lord is not at this moment in the House. Had he been here I should have made some remarks which I now refrain from making on one or two expressions which fell from him. But, Sir, let us allow to his argument all

the weight which he can himself claim for it. What does it prove? Not that the Established Church of Ireland is a good institution; not that it ought to be maintained; but merely this, that, when we are about to divide on the question whether it shall be maintained, the Roman Catholic members ought to walk away to the library. The oath which they have taken is nothing to me and to the other Protestant members who have not taken it. Suppose, then, our Roman Catholic friends withdrawn. Suppose that we, the six hundred and twenty or thirty Protestant members, remain in the House. Then there is an end of this argument about the oath. Will the noble lord then be able to give us any reason for maintaining the Church of Ireland on the present footing?

I hope, Sir, that the right honorable Baronet the First Lord of the Treasury will not deal with this subject as his colleagues have dealt with it. We have a right to expect that a man of his capacity, placed at the head of government, will attempt to defend the Irish Church in a manly and rational way. I would beg him to consider these questions: For what ends do Established Churches exist? Does the Established Church of Ireland accomplish those ends or any one of those ends? Can an Established Church which has no hold on the hearts of the body of the people be otherwise than useless, or worse than useless? Has the Established Church of Ireland any hold on the hearts of the body of the people? Has it been successful in making proselytes? Has it been what the Established Church of England has been with justice called, what the Established Church of Scotland was once with at least equal justice called, the poor man's Church? Has it trained the great body of the people to virtue, consoled them in affliction, commanded their reverence, attached them to itself and to the state? Show that these questions can be answered in the affirmative, and you will have made, what I am sure has never

yet been made, a good defence of the Established Church of Ireland. But it is mere mockery to bring us quotations from forgotten speeches, and from mouldy petitions presented to George the Second at a time when the penal laws were still in full force.

And now, Sir, I must stop. I have said enough to justify the vote which I shall give in favor of the motion of my noble friend. I have shown, unless I deceive myself, that the extraordinary disorders which now alarm us in Ireland have been produced by the fatal policy of the government. I have shown that the mode in which the government is now dealing with those disorders is far more likely to inflame than to allay them. While this system lasts, Ireland can never be tranquil; and till Ireland is tranquil, England can never hold her proper place among the nations of the world. To the dignity, to the strength, to the safety of this great country, internal peace is indispensably necessary. In every negotiation, whether with France on the right of search, or with America on the line of boundary, the fact that Ireland is discontented is uppermost in the minds of the diplomatists on both sides, making the representative of the British Crown timorous, and making his adversary bold. And no wonder. This is indeed a great and splendid empire, well provided with the means both of annoyance and of defence. England can do many things which are beyond the power of any other nation in the world. She has dictated peace to China. She rules Caffraria and Australasia. She could again sweep from the ocean all commerce but her own. She could again blockade every port from the Baltic to the Adriatic. She is able to guard her vast Indian dominions against all hostility by land or sea. But in this gigantic body there is one vulnerable spot near to the heart. At that spot forty-six years ago a blow was aimed which narrowly missed, and which, if it had not missed, might have been deadly. The government and the legislature, each

in its own sphere, is deeply responsible for the continuance of a state of things which is fraught with danger to the state. From my share of that responsibility I shall clear myself by the vote which I am about to give; and I trust that the number and the respectability of those in whose company I shall go into the lobby will be such as to convince the Roman Catholics of Ireland that they need not yet relinquish all hope of obtaining relief from the wisdom and justice of an Imperial Parliament.

DISSENTERS' CHAPELS BILL

JUNE 6, 1844

An attempt having been made to deprive certain dissenting congregations of property which they had long enjoyed, on the ground that they did not hold the same religious opinions that had been held by the purchasers from whom they derived their title to that property, the Government of Sir Robert Peel brought in a bill fixing a time of limitation in such cases. The time fixed was twenty-five years.

The bill, having passed the Lords, came down to the House of Commons. On the sixth of June, 1844, the second reading was moved by the Attorney General, Sir William Follett. Sir Robert Inglis, Member for the University of Oxford, moved that the bill should be read a second time that day six months; and the amendment was seconded by Mr. Plumtre, Member for Kent. Early in the debate the following Speech was made.

The second reading was carried by 307 votes to 117.

pl. 100
If, Sir, I should unhappily fail in preserving that tone in which the question before us ought to be debated, it will assuredly not be for want either of an example or of a warning. The honorable and learned Member who moved the second reading has furnished me with a model which I cannot too closely imitate; and from the honorable Member for Kent, if I can learn nothing else, I may at least learn what temper and what style I ought most carefully to avoid.

I was very desirous, Sir, to catch your eye, not because I was so presumptuous as to hope that I should be able to add much to the powerful and luminous argument of the honorable and learned gentleman who has, to our

great joy, again appeared among us to-night; but because I thought it desirable that, at an early period in the debate, some person whose seat is on this side of the House, some person strongly opposed to the policy of the present government, should say, what I now say with all my heart, that this is a bill highly honorable to that government, a bill framed on the soundest principles, and evidently introduced from the best and purest motives. This praise is a tribute due to Her Majesty's Ministers; and I have great pleasure in paying it.

I have great pleasure also in bearing my testimony to the humanity, the moderation, and the decorum with which my honorable friend the Member for the University of Oxford has expressed his sentiments. I must particularly applaud the resolution which he announced, and to which he strictly adhered, of treating this question as a question of *meum* and *tuum*, and not as a question of orthodoxy and heterodoxy. With him it is possible to reason. But how am I to reason with the honorable Member for Kent, who has made a speech without one fact, one argument, one shadow of an argument, a speech made up of nothing but vituperation? I grieve to say that the same bitterness of theological animosity which characterized that speech may be discerned in too many of the petitions with which, as he boasts, our table has been heaped day after day. The honorable Member complains that those petitions have not been treated with proper respect. Sir, they have been treated with much more respect than they deserved. He asks why we are to suppose that the petitioners are not competent to form a judgment on this question? My answer is, that they have certified their incompetence under their own hands. They have, with scarcely one exception, treated this question as a question of divinity, though it is purely a question of property: and when I see men treat a question of property as if it were a question of divinity, I am certain that, however numerous they may be, their opin-

ion is entitled to no consideration. If the persons whom this bill is meant to relieve are orthodox, that is no reason for our plundering anybody else in order to enrich them. If they are heretics, that is no reason for our plundering them in order to enrich others. I should not think myself justified in supporting this bill, if I could not with truth declare that, whatever sect had been in possession of these chapels, my conduct would have been precisely the same. I have no peculiar sympathy with Unitarians. If these people, instead of being Unitarians, had been Roman Catholics, or Wesleyan Methodists, or General Baptists, or Particular Baptists, or members of the Old Secession Church of Scotland, or members of the Free Church of Scotland, I should speak as I now speak and vote as I now mean to vote.

Sir, the whole dispute is about the second clause of this bill. I can hardly conceive that any gentleman will vote against the bill on account of the error in the marginal note on the third clause. To the first clause my honorable friend the Member for the University of Oxford said, if I understood him rightly, that he had no objection; and indeed a man of his integrity and benevolence could hardly say less after listening to the lucid and powerful argument of the Attorney General. It is therefore on the second clause that the whole question turns.

The second clause, Sir, rests on a principle simple, well known, and most important to the welfare of all classes of the community. That principle is this, that prescription is a good title to property, that there ought to be a time of limitation, after which a possessor, in whatever way his possession may have originated, must not be dispossessed. Till very lately, Sir, I could not have imagined that, in any assembly of reasonable, of civilized, of educated men, it could be necessary for me to stand up in defence of that principle. I should have thought it as much a waste of the public time to make

a speech on such a subject as to make a speech against burning witches, against trying writs of right by wager of battle, or against requiring a culprit to prove his innocence by walking over red-hot ploughshares. But I find that I was in error. Certain sages, lately assembled in conclave at Exeter Hall, have done me the honor to communicate to me the fruits of their profound meditations on the science of legislation. They have, it seems, passed a resolution declaring that the principle, which I had supposed that no man out of Bedlam would ever question, is an untenable principle, and altogether unworthy of a British Parliament. They have been pleased to add, that the present government cannot, without gross inconsistency, call on Parliament to pass a statute of limitation. And why? Will the House believe it? Because the present government has appointed two new Vice Chancellors.

Really, Sir, I do not know whether the opponents of this bill shine more as logicians or as jurists. Standing here as the advocate of prescription, I ought not to forget that prescriptive right of talking nonsense which gentlemen who stand on the platform of Exeter Hall are undoubtedly entitled to claim. But, though I recognize the right, I cannot but think that it may be abused, and that it has been abused on the present occasion. One thing at least is clear, that, if Exeter Hall be in the right, all the masters of political philosophy, all the great legislators, all the systems of law by which men are and have been governed in all civilized countries, from the earliest times, must be in the wrong. How indeed can any society prosper, or even exist, without the aid of this untenable principle, this principle unworthy of a British legislature? This principle was found in the Athenian law. This principle was found in the Roman law. This principle was found in the laws of all those nations of which the jurisprudence was derived from Rome. This principle was found in the law

administered by the Parliament of Paris; and, when that Parliament and the law which it administered had been swept away by the Revolution, this principle reappeared in the Code Napoleon. Go westward, and you find this principle recognized beyond the Mississippi. Go eastward, and you find it recognized beyond the Indus, in countries which never heard the name of Justinian, in countries to which no translation of the Pandects ever found its way. Look into our own laws; and you will see that the principle, which is now designated as unworthy of Parliament, has guided Parliament ever since Parliament existed. Our first statute of limitation was enacted at Merton, by men some of whom had borne a part in extorting the Great Charter and the Forest Charter from King John. From that time to this it has been the study of a succession of great lawyers and statesmen to make the limitation more and more stringent. The Crown and the Church indeed were long exempted from the general rule. But experience fully proved that every such exemption was an evil; and a remedy was at last applied. Sir George Savile, the model of English country gentlemen, was the author of the Act which barred the claims of the Crown. That eminent magistrate, the late Lord Tenterden, was the author of the Act which barred the claims of the Church. Now, Sir, how is it possible to believe that the Barons, whose seals are upon our Great Charter, would have perfectly agreed with the great jurists who framed the Code of Justinian, with the great jurists who framed the Code of Napoleon, with the most learned English lawyers of the nineteenth century, and with the Pundits of Benares, unless there had been some strong and clear reason which necessarily led men of sense in every age and country to the same conclusion? Nor is it difficult to see what the reason was. For it is evident that the principle which silly and ignorant fanatics have called untenable is essential to the institution of property, and

that, if you take away that principle, you will produce evils resembling those which would be produced by a general confiscation. Imagine what would follow if the maxims of Exeter Hall were introduced into Westminster Hall. Imagine a state of things in which one of us should be liable to be sued on a bill of exchange endorsed by his grandfather in 1760. Imagine a man possessed of an estate and manor house which had descended to him through ten or twelve generations of ancestors, and yet liable to be ejected because some flaw had been detected in a deed executed three hundred years ago, in the reign of Henry the Eighth. Why, Sir, should we not all cry out that it would be better to live under the rule of a Turkish Pasha than under such a system? Is it not plain that the enforcing of an obsolete right is the inflicting of a wrong? Is it not plain that, but for our statutes of limitation, a lawsuit would be merely a grave, methodical robbery? I am ashamed to argue a point so clear.

And if this be the general rule, why should the case which we are now considering be an exception to that rule? I have done my best to understand why. I have read much bad oratory, and many foolish petitions. I have heard with attention the reasons of my honorable friend the Member for the University of Oxford; and I should have heard the reasons of the honorable Member for Kent, if there had been any to hear. Every argument by which my honorable friend the Member for the University of Oxford tried to convince us that this case is an exception to the general rule, will be found on examination to be an argument against the general rule itself. He says that the possession which we propose to sanction was originally a wrongful possession. Why, Sir, all the statutes of limitation that ever were made sanction possession which was originally wrongful. It is for the protection of possessors who are not in condition to prove that their possession was originally rightful that

statutes of limitation are passed. Then my honorable friend says that this is an *ex post facto* law. Why, Sir, so are all our great statutes of limitation. Look at the Statute of Merton, passed in 1235; at the Statute of Westminster, passed in 1275; at the Statute of James the First, passed in 1623; at Sir George Savile's Act, passed in the last century; at Lord Tenterden's Act, passed in our own time. Every one of those Acts was retrospective. Every one of them barred claims arising out of past transactions. Nor was any objection ever raised to what was so evidently just and wise, till bigotry and chicanery formed that disgraceful league against which we are now contending. But, it is said, it is unreasonable to grant a boon to men because they have been many years doing wrong. The length of the time during which they have enjoyed property not rightfully their own is an aggravation of the injury which they have committed, and is so far from being a reason for letting them enjoy that property forever, that it is rather a reason for compelling them to make prompt restitution. With this childish sophistry the petitions on our table are filled. Is it possible that any man can be so dull as not to perceive that, if this be a reason, it is a reason against all our statutes of limitation? I do a greater wrong to my tailor if I withhold payment of his bill during six years than if I withhold payment only during two years. Yet the law says that at the end of two years he may bring an action and force me to pay him with interest, but that after the lapse of six years he cannot force me to pay him at all. It is much harder that a family should be kept out of its hereditary estate during five generations than during five days. But if you are kept out of your estate five days you have your action of ejectment; and, after the lapse of five generations, you have no remedy. I say, therefore, with confidence, that every argument which has been urged against this bill is an argument against the great principle of prescription. I go further,

and I say that, if there be any case which, in an especial manner, calls for the application of the principle of prescription, this is that case. For the Unitarian congregations have laid out so much on these little spots of ground that it is impossible to take the soil from them without taking from them property which is of much greater value than the mere soil, and which is indisputably their own. This is not the case of a possessor who has been, during many years, receiving great emoluments from land to which he had not a good title. It is the case of a possessor who has, from resources which were undoubtedly his own, expended on the land much more than it was originally worth. Even in the former case, it has been the policy of all wise lawgivers to fix a time of limitation. *A fortiori*, therefore, there ought to be a time of limitation in the latter case.

And here, Sir, I cannot help asking gentlemen to compare the petitions for this bill with the petitions against it. Never was there such a contrast. The petitions against the bill are filled with cant, rant, scolding, scraps of bad sermons. The petitions in favor of the bill set forth in the simplest manner great practical grievances. Take, for instance, the case of Cirencester. The meeting house there was built in 1730. It is certain that the Unitarian doctrines were taught there as early as 1742. That was only twelve years after the chapel had been founded. Many of the original subscribers must have been living. Many of the present congregation are lineal descendants of the original subscribers. Large sums have from time to time been laid out in repairing, enlarging, and embellishing the edifice; and yet there are people who think it just and reasonable that this congregation should, after the lapse of more than a century, be turned out. At Norwich, again, a great dissenting meeting house was opened in 1688. It is not easy to say how soon anti-Trinitarian doctrines were taught there. The change of sentiment in the congregation

seems to have been gradual; but it is quite certain that, in 1754, ninety years ago, both pastor and flock were decidedly Unitarian. Round the chapel is a cemetery filled with the monuments of eminent Unitarians. Attached to the chapel are a schoolhouse and a library, built and fitted up by Unitarians. And now the occupants find that their title is disputed. They cannot venture to build; they cannot venture to repair; and they are anxiously awaiting our decision. I do not know that I have cited the strongest cases. I am giving you the ordinary history of these edifices. Go to Manchester. Unitarianism has been taught there at least seventy years in a chapel on which the Unitarians have expended large sums. Go to Leeds. Four thousand pounds have been subscribed for the repairing of the Unitarian chapel there, the chapel where, near eighty years ago, Priestley, the great doctor of the sect, officiated. But these four thousand pounds are lying idle. Not a pew can be repaired till it is known whether this bill will become law. Go to Maidstone. There Unitarian doctrines have been taught during at least seventy years; and seven hundred pounds have recently been laid out by the congregation in repairing the chapel. Go to Exeter. It matters not where you go. But go to Exeter. There Unitarian doctrines have been preached more than eighty years; and two thousand pounds have been laid out on the chapel. It is the same at Coventry, at Bath, at Yarmouth, everywhere. And will a British Parliament rob the possessors of these buildings? I can use no other word. How should we feel if it were proposed to deprive any other class of men of land held during so long a time, and improved at so large a cost? And, if this property should be transferred to those who covet it, what would they gain in comparison with what the present occupants would lose? The pulpit of Priestley, the pulpit of Lardner, are objects of reverence to congregations which hold the tenets of Priestley and Lardner. To the

intruders those pulpits will be nothing; nay, worse than nothing; memorials of heresiarchs. Within these chapels and all around them are the tablets which the pious affection of four generations has placed over the remains of dear mothers and sisters, wives and daughters, of eloquent preachers, of learned theological writers. To the Unitarian, the building which contains these memorials is a hallowed building. To the intruder, it is of no more value than any other room in which he can find a bench to sit on and a roof to cover him. If, therefore, we throw out this bill, we do not merely rob one set of people in order to make a present to another set. That would be bad enough. But we rob the Unitarians of that which they regard as a most precious treasure; of that which is endeared to them by the strongest religious and the strongest domestic associations; of that which cannot be wrenched from them without inflicting on them the bitterest pain and humiliation. To the Trinitarians we give that which can to them be of little or no value except as a trophy of a most inglorious victory won in a most unjust war.

But, Sir, an imputation of fraud has been thrown on the Unitarians; not, indeed, here, but in many other places; and in one place of which I would always wish to speak with respect. The Unitarians, it has been said, knew that the original founders of these chapels were Trinitarians; and to use, for the purpose of propagating Unitarian doctrine, a building erected for the purpose of propagating Trinitarian doctrine was grossly dishonest. One very eminent person¹ has gone so far as to maintain that the Unitarians cannot pretend to any prescription of more than sixty-three years; and he proves his point thus: Till the year 1779, he says, no dissenting teacher was within the protection of the Toleration Act unless he subscribed those articles of the Church of England which affirm the Athanasian doctrine. It is evident that

¹ The Bishop of London.

no honest Unitarian can subscribe those articles. The inference is, that the persons who preached in these chapels down to the year 1779 must have been either Trinitarians or rogues. Now, Sir, I believe that they were neither Trinitarians nor rogues; and I cannot help suspecting that the great prelate who brought this charge against them is not so well read in the history of the nonconformist sects as in the history of that Church of which he is an ornament. The truth is that, long before the year 1779, the clause of the Toleration Act which required dissenting ministers to subscribe thirty-five or thirty-six of our thirty-nine articles had almost become obsolete. Indeed, that clause had never been rigidly enforced. From the very first there were some dissenting ministers who refused to subscribe, and yet continued to preach. Calamy was one; and he was not molested. And if this could be done in the year in which the Toleration Act passed, we may easily believe that, at a later period, the law would not have been very strictly observed. New brooms, as the vulgar proverb tells us, sweep clean; and no statute is so rigidly enforced as a statute just made. But, Sir, so long ago as the year 1711, the provisions of the Toleration Act on this subject were modified. In that year the Whigs, in order to humor Lord Nottingham, with whom they had coalesced against Lord Oxford, consented to let the Occasional Conformity Bill pass; but they insisted on inserting in the bill a clause which was meant to propitiate the dissenters. By this clause it was enacted that, if an information were laid against a dissenting minister for having omitted to subscribe the articles, the defendant might, by subscribing at any stage of the proceedings anterior to the judgment, defeat the information, and throw all the costs on the informer. The House will easily believe that, when such was the state of the law, informers were not numerous. Indeed, during the discussions of 1773, it was distinctly affirmed, both in Parliament and in

manifestoes put forth by the dissenting body, that the majority of nonconformist ministers then living had never subscribed. All arguments, therefore, grounded on the insincerity which has been rashly imputed to the Unitarians of former generations, fall at once to the ground.

But, it is said, the persons who, in the reigns of James the Second, of William the Third, and of Anne, first established these chapels, held the doctrine of the Trinity; and therefore, when, at a later period, the preachers and congregations departed from the doctrine of the Trinity, they ought to have departed from the chapels, too. The honorable and learned gentleman, the Attorney General, has refuted this argument so ably that he has scarcely left anything for me to say about it. It is well known that the change which, soon after the Revolution, began to take place in the opinions of a section of the old Puritan body, was a gradual, an almost imperceptible, change. The principle of the English Presbyterians was to have no confession of faith and no form of prayer. Their trust deeds contained no accurate theological definitions. Nonsubscription was in truth the very bond which held them together. What, then, could be more natural than that, Sunday by Sunday, the sermons should have become less and less like those of the old Calvinistic divines, that the doctrine of the Trinity should have been less and less frequently mentioned, that at last it should have ceased to be mentioned, and that thus in the course of years, preachers and hearers should, by insensible degrees, have become first Arians, then, perhaps, Socinians. I know that this explanation has been treated with disdain by people profoundly ignorant of the history of English nonconformity. I see that my right honorable friend near me¹ does not assent to it. Will he permit me to refer him to an analogous case with which he cannot but be well acquainted? No person in the House is more versed than he in the ecclesias-

¹ Mr. Fox Maule.

tical history of Scotland; and he will, I am sure, admit that some of the doctrines now professed by the Scotch sects which sprang from the secessions of 1733 and 1760 are such as the seceders of 1733 and the seceders of 1760 would have regarded with horror. I have talked with some of the ablest, most learned, and most pious of the Scotch dissenters of our time; and they all fully admitted that they held more than one opinion which their predecessors would have considered as impious. Take the question of the connection between Church and State. The seceders of 1733 thought that the connection ought to be much closer than it is. They blamed the legislature for tolerating heresy. They maintained that the Solemn League and Covenant was still binding on the kingdom. They considered it as a national sin that the validity of the Solemn League and Covenant was not recognized at the time of the Revolution. When George Whitfield went to Scotland, though they approved of his Calvinistic opinions, and though they justly admired that natural eloquence which he possessed in so wonderful a degree, they would hold no communion with him because he would not subscribe the Solemn League and Covenant? Is that the doctrine of their successors? Are the Scotch dissenters now averse to toleration? Are they not zealous for the voluntary system? Is it not their constant cry that it is not the business of the civil magistrate to encourage any religion, false or true? Does any Bishop now abhor the Solemn League and Covenant more than they? Here is an instance in which numerous congregations have, retaining their identity, passed gradually from one opinion to another opinion. And would it be just, would it be decent in me, to impute dishonesty to them on that account? My right honorable friend may be of opinion that the question touching the connection between the Church and State is not a vital question. But was that the opinion of the divines who drew up the Secession Testimony? He well knows that in their view

a man who denied that it was the duty of the government to defend religious truth with the civil sword was as much a heretic as a man who denied the doctrine of the Trinity.

Again, Sir, take the case of the Wesleyan Methodists. They are zealous against this bill. They think it monstrous that a chapel originally built for people holding one set of doctrines should be occupied by people holding a different set of doctrines. I would advise them to consider whether they cannot find in the history of their own body reasons for being a little more indulgent. What were the opinions of that great and good man, their founder, on the question whether men not episcopally ordained could lawfully administer the Eucharist? He told his followers that lay administration was a sin which he never could tolerate. Those were the very words which he used; and I believe that, during his lifetime, the Eucharist never was administered by laymen in any place of worship which was under his control. After his death, however, the feeling in favor of lay administration became strong and general among his disciples. The Conference yielded to that feeling. The consequence is that now, in every chapel which belonged to Wesley, those who glory in the name of Wesleyans commit, every Sacrament Sunday, what Wesley declared to be a sin which he would never tolerate. And yet these very persons are not ashamed to tell us in loud and angry tones that it is fraud, downright fraud, in a congregation which has departed from its original doctrines to retain its original endowments. I believe, Sir, that if you refuse to pass this bill, the Courts of Law will soon have to decide some knotty questions which, as yet, the Methodists little dream of.

It has, I own, given me great pain to observe the unfair and acrimonious manner in which too many of the Protestant nonconformists have opposed this bill. The opposition of the Established Church has been comparatively mild and moderate; and yet from the Established

Church we had less right to expect mildness and moderation. It is certainly not right, but it is very natural, that a church, ancient and richly endowed, closely connected with the Crown and the aristocracy, powerful in Parliament, dominant in the universities, should sometimes forget what is due to poorer and humbler Christian societies. But when I hear a cry for what is nothing less than persecution set up by men who have been, over and over again within my own memory, forced to invoke in their own defence the principles of toleration, I cannot but feel astonishment mingled with indignation. And what above all excites both my astonishment and my indignation is this, that the most noisy among the noisy opponents of the bill which we are considering are some sectaries who are at this very moment calling on us to pass another bill of just the same kind for their own benefit. I speak of those Irish Presbyterians who are asking for an *ex post facto* law to confirm their marriages. See how exact the parallel is between the case of those marriages and the case of these chapels. The Irish Presbyterians have gone on marrying according to their own forms during a long course of years. The Unitarians have gone on occupying, improving, embellishing certain property during a long course of years. In neither case did any doubt as to the right arise in the most honest, in the most scrupulous mind. At length, about the same time, both the validity of the Presbyterian marriages and the validity of the title by which the Unitarians held their chapels were disputed. The two questions came before the tribunals. The tribunals, with great reluctance, with great pain, pronounced that, neither in the case of the marriages nor in the case of the chapels, can prescription be set up against the letter of the law. In both cases there is a just claim to relief such as the legislature alone can afford. In both the legislature is willing to grant that relief. But this will not satisfy the orthodox Presbyterian. He demands with

equal vehemence two things, that he shall be relieved, and that nobody else shall be relieved. In the same breath he tells us that it would be most iniquitous not to pass a retrospective law for his benefit, and that it would be most iniquitous to pass a retrospective law for the benefit of his fellow sufferers. I never was more amused than by reading, the other day, a speech made by a person of great note among the Irish Presbyterians on the subject of these marriages. "Is it to be endured," he says, "that the mummies of old and forgotten laws are to be dug up and unswathed for the annoyance of dissenters?" And yet a few hours later, this eloquent orator is himself hard at work in digging up and unswathing another set of mummies for the annoyance of another set of dissenters. I should like to know how he and such as he would look if we Churchmen were to assume the same tone towards them which they think it becoming to assume towards the Unitarian body; if we were to say, "You and those whom you would oppress are alike out of our pale. If they are heretics in your opinion, you are schismatics in ours. Since you insist on the letter of the law aganst them, we will insist on the letter of the law against you. You object to *ex post facto* statutes; and you shall have none. You think it reasonable that men should, in spite of a prescription of eighty or ninety years, be turned out of a chapel built with their own money, and a cemetery where their own kindred lie, because the original title was not strictly legal. We think it equally reasonable that those contracts which you have imagined to be marriages, but which are now adjudged not to be legal marriages, should be treated as nullities." I wish from my soul that some of these orthodox dissenters would recollect that the doctrine which they defend with so much zeal against the Unitarians is not the whole sum and substance of Christianity, and that there is a text about doing unto others as you would that they should do unto you.

To any intelligent man who has no object except to do justice, the Trinitarian dissenter and the Unitarian dissenter who are now asking us for relief will appear to have exactly the same right to it. There is, however, I must own, one distinction between the two cases. The Trinitarian dissenters are a strong body, and especially strong among the electors of towns. They are of great weight in the state. Some of us may probably, by voting to-night against their wishes, endanger our seats in this House. The Unitarians, on the other hand, are few in number. Their creed is unpopular. Their friendship is likely to injure a public man more than their enmity. If therefore there be among us any person of a nature at once tyrannical and cowardly, any person who delights in persecution, but is restrained by fear from persecuting powerful sects, now is his time. He never can have a better opportunity of gratifying his malevolence without risk of retribution. But, for my part, I long ago espoused the cause of religious liberty, not because that cause was popular, but because it was just; and I am not disposed to abandon the principles to which I have been true through my whole life in deference to a passing clamor. The day may come, and may come soon, when those who are now loudest in raising that clamor may again be, as they have formerly been, suppliants for justice. When that day comes I will try to prevent others from oppressing them, as I now try to prevent them from oppressing others. In the meantime I shall contend against their intolerance with the same spirit with which I may hereafter have to contend for their rights.

APPENDIX

[The three speeches which follow were not included by Lord Macaulay in the collection made by him, and are added here from the edition prepared by the American editor of his complete writings.]

THE TREATY OF WASHINGTON

A SPEECH DELIVERED IN THE HOUSE OF COMMONS ON THE
21ST OF MARCH, 1843

On Tuesday, the 21st of March, 1843, Viscount Palmerston, in pursuance of notice, moved the House of Commons for copies or extracts of the "Communications which have taken place between the British Government and Lord Ashburton, their plenipotentiary at Washington, on the subject of the treaty signed at Washington on the 9th of August last." On this motion, the honorable Viscount made an elaborate speech, in which he claimed to have shown good grounds for asserting that the negotiations which led to the treaty were ill-conducted, that the treaty itself was disadvantageous, and that by more judicious management far better terms might have been obtained.

Sir Robert Peel, in reply, begged the House not to be misled by a plausible motion calling for further papers ; but if they were satisfied that the conduct of the Government and its representative, Lord Ashburton, had been influenced by pure motives—had been wise and just, had contributed to lay the foundation of a better understanding with the United States—he entreated them to mark their opinion in favor of peace by negating the motion.

At this stage of the debate, Mr. Macaulay made the speech that follows.

Sir H. Douglas [member from Liverpool], ex-governor of New Brunswick (1823-1831), defended the treaty as a satisfactory arrangement. Notwithstanding all the sympathy that had been expressed by the honorable member from Edinburgh [Mr. Macaulay] for the inhabitants of the Madawaska settlement, to the south of the St. John's, he observed that they had been, at least provisionally, turned over to the United States like serfs, by permitting the

United States to usurp a military possession of the country, which it was clear would never be relinquished.

Debate adjourned at twelve o'clock.

I HOPE, sir, I shall find credit with the House when I state, with all earnestness, that the few observations which, in the discharge of my duty to my country, I feel bound to offer on this occasion, are in no respect dictated by any feelings of either national or personal animosity. The feeling of national animosity is in all cases odious, but such animosity on the part of Englishmen towards the people of the United States may justly be termed unnatural. Whatever intercourse I have had with the citizens of the United States has been uniformly an interchange of courtesies and kind offices; and as a public man, and as an Englishman, I can think of that great community only as one composed of persons whose veins are full of our blood, whose minds are nourished by our literature, and whose most valuable institutions are derived from our own. As a public man, again, I cannot but reflect that while peace is in all quarters the greatest of blessings, while war in any part of the world must be regarded as one of the greatest of public calamities, a war with the United States would be of all the calamities that could befall this country the most disastrous, for it would unite with all the horrors of foreign war many of the peculiar enormities of civil conflict; it would interrupt that salutary connection which exists between the two countries; it would produce frightful disturbance of trade; it would involve in extensive ruin private families; and it would obstruct, to a greater extent than any other event I can well conceive, the great interests of humanity and civilization. Having protested that towards the United States I entertain no feeling of ill-will, I can with equal truth make the same declaration with respect to the noble individual whose conduct is peculiarly under discussion; and I cannot easily conceive, from anything I have seen or heard, that Lord Ashburton can, in this House or elsewhere, have any personal enemy. I readily and cordially admit the extent of his information; and I sincerely admire those eminent abilities which I have seen displayed in this House with great profit and advantage to the public, and from which I have myself derived pleasure and instruction. I readily admit his integrity, and his many ami-

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able qualities; and if, in anything I may say, I should, with reference to that noble Lord, exceed the limits of the strictest decorum, or the rules of parliamentary debate, I can only say, with regard to anything I may so utter, that I beforehand wish it unsaid. But his Lordship knows, and those connected with him know, that it is the duty of public men to scrutinize most strictly the conduct of the responsible servants of the Crown; and they know that on no occasion could it be more important to do so than with reference to the subject now under discussion. Indeed, after the declaration which has been made by the right honorable Baronet (Sir R. Peel), it is more important to scrutinize the conduct of the Government with respect to this question than at first sight appeared necessary. The right honorable Baronet takes upon himself, and upon the Government of which he is the head, the entire and complete responsibility of the matter and manner of this important negotiation. Now this negotiation is not only important in itself, on account of the interests at stake, but in another point of view it is of great importance. It is the first great negotiation which since the last change of Ministry has been concluded between England and any foreign power. Coming into office after exclusion from power, with a short interval for, I think, upwards of ten years, the Members of the present Government found that our relations with the United States presented one of the most important subjects to which their attention could be directed. They considered the subject, they state, with extreme attention; they selected, with the greatest care, a negotiator for the purpose of carrying their views into effect; they approve, in every respect, of his conduct. The fruits of this negotiation lie before us; and we must consider ourselves as inquiring, not merely whether this treaty is a just and proper one — not merely whether this correspondence be honorable to the abilities and public spirit of Lord Ashburton — but, seeing how probable it is that the present Government will for a considerable time retain their position in power — whether their policy be pacific in truth or pacific only in show, and whether, on the system they seem at present inclined to pursue, it is probable that the honor and interests of this country are likely to be promoted. I shall commence by making a concession which I think the right honorable Baronet opposite will admit to be

a large one, and for making which, I fear, the noble Lord near me (Lord Palmerston) may consider that I merit some degree of blame. Though I am firmly convinced, that if this question were tried as a mere matter of right, we have, with regard to the boundary, clearly ceded too much; though I think we have ceded not only that which we had a right to keep, but that which it would in many respects have been advantageous to us to have retained; though I think the negotiations, in many of the points mentioned by my noble friend, have been on that subject most unskilfully conducted, — yet I feel, and I have always felt, most strongly the immense importance of arriving at a settlement of this question. I have always felt that when a subject has been agitated during so many years — when it has excited so much exasperation; when, on both sides, there is so firm a conviction of the justice of their respective claims — something must be sacrificed. It is necessary, I admit, under such circumstances, that a compromise should be made. I cannot better express my opinion on this subject than by adopting the language of the honorable Member for Halifax at the beginning of the present session : —

“I am ready to admit (my honorable friend said), that if the causes of difference between the two countries are fairly adjusted, if the arrangements are such as to close the present and preclude future causes of dispute, I am not one of those who would attach much importance to a few square miles of territory more or less; but then I must have a distinct assurance that those causes of difference have actually been removed.”

The conditions, however, which I think myself entitled to demand, when we have been ceding what the right honorable Baronet opposite admits, if I understand him, to be our right, are these three: First, that the dignity and honor of this country shall be in no respect compromised by the manner in which the arrangement shall be made. To that condition, if I correctly understand the right honorable Baronet, he will, I doubt not, give his assent. The second condition I must require is, that the treaty purchased by this sacrifice of our rights shall be a treaty which either removes all causes of difference, or, if it does not effect that, at least does not place us with regard to any of them in a decidedly worse position than that in which we

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stood before the treaty was concluded ; and lastly, I am entitled to demand that this treaty shall be one which has produced on both sides kindly and cordial feelings, and which has rendered the recurrence of any difficulties such as those which preceded it in the highest degree improbable. I regret to say that I entertain very grave doubts — I may say more than doubts — whether the negotiations, and the treaty which has resulted from them, will be found to fulfil these conditions. First, then, as to the question of national honor. I may say that it is impossible to read through this correspondence, to compare the letters, without exception, of the English Plenipotentiary with those which emanated from the American Secretary, without being struck with a certain humble, caressing, wheedling tone which pervades them, and which seems to me utterly inconsistent with the dignity of the office which Lord Ashburton occupied. Many cases, which I could cite, occur to me ; some of them — indeed most of them — appear slight at the first glance ; but, as Lord Bacon says, —

“ A straw will serve to show you which way the wind blows.”

I think it was highly improper on the part of Lord Ashburton to state to the Government of the United States, as a reason why he should be especially trusted by them, and why they should act with more confidence and cordiality towards him, that he had opposed the last war with America. I think that was not the course an English ambassador ought to have pursued. I disapprove of that war ; it occurred before my time ; but as far as I have obtained information on the subject, I think that those who joined Lord Ashburton in opposing that war acted a wise and patriotic part. But I conceive that when a person receives the Queen's command to go forth as her representative, he is in that capacity the organ of the Government, and he is not entitled to ask the favor and confidence of the power to which he is accredited on the ground that his opinion is opposed to the line of conduct which has been pursued by his Government and by his Sovereign, that conduct having been sanctioned and supported by the voice of the Houses of Lords and Commons. Can any honorable gentleman furnish me with a diplomatic precedent for such conduct ? I remember none, although I confess my own diplomatic

studies have not been so extensive as I could wish. I do remember, however, the negotiations of 1806, and, if Mr. Fox had chosen to do so, he might then have made a merit with the French Government of his constant and determined opposition to the war with France. He might have said in his letter to Talleyrand, "I have been the firm opponent of war. When every one was clamoring for war against France, and when the Opposition dwindled down to thirty or forty members, I cried, 'Peace, peace, peace!'" But Mr. Fox — the greatest diplomatist, Lord Grenville said, who ever lived — knew too well what pertained to his duty as a public man, and never by one word did he repudiate or disclaim any act of his predecessors, or make any distinction between himself and Mr. Pitt. In this correspondence, however, Lord Ashburton expresses his strong disapproval of the last war. I will take one document of some importance; and I shall be surprised if I do not satisfy the House that a stain has been inflicted on the character of this country such as it will be very difficult to parallel in the whole history of diplomacy. With respect to the Madawaska settlement, Lord Ashburton says: —

"The history and circumstances of this settlement are well known to you. It was originally formed from the French establishments in Acadie, and has been uninterruptedly under French or British dominion, and never under any other laws. The inhabitants have professed great apprehensions of being surrendered by Great Britain, and have lately sent an earnest petition to the Queen, deprecating that being done. Further, this settlement forms one united community, all connected together, and living some on one and some on the other side of the river, which forms a sort of highroad between them. It seems self-evident that no more inconvenient line of boundary could well be drawn than one which divides in two an existing municipality, — inconvenient as well to the inhabitants themselves as to the authorities under which they are to live. There would be evident hardship, I might say cruelty, in separating this now happy and contented village."

Now, I will put it to the House, can any obligation be stronger than that which lies on a Sovereign to keep under his Government — except where he is bound by justice, or compelled by overpowering force, to cede a territory — all those subjects who

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are attached to his sway? The cession of a territory, the inhabitants of which implore you to retain them under your Government, is the very last calamity which conquest brings on a nation. The answer returned to this communication by the United States Government is in a very different tone. Indeed, the whole tone of the correspondence on the part of the United States is firm, resolute, vigilant, and unyielding; but I must do them the justice to say that, except in this single instance, there is no case in which offence can be justly taken.

But in this case I cannot acquit the Secretary of State of the United States of having offered something in the nature of a serious affront — I hope it was not intentional — to the English Government. The Secretary of the United States informs Lord Ashburton, in his reply to the noble Lord's letter, that he

“Forbears from going into the consideration of the mass of other arguments and proofs, for the same reasons which restrain your Lordship from entering into an extended discussion of the question, as well as because your Lordship will have an opportunity of perusing a paper, addressed to me by the commissioners of Maine, which strongly presents the subject, on other grounds and in other lights.”

I think that, under the circumstances, I am entitled to say, that Mr. Webster adopts the opinions expressed by the Maine commissioners. He says distinctly that he will not enter into the arguments urged by Lord Ashburton, because he sends him a paper drawn up by the commissioners of Maine, which presents the question in a strong point of view. Now, see in what manner the Maine commissioners address themselves to Lord Ashburton's argument about the feeling of the people of Madawaska. They pronounce an invective on the tyranny which they allege England has exercised towards that very people. They say: —

“The hard lot and sufferings of these people and of their fathers give them a claim to our sympathies. The atrocious cruelties practised upon their ancestors are matters of history. The appalling details of them are among their traditions. The fathers and mothers have taught them to their children. When, fleeing from their oppressors in 1785, they settled down in the wilderness of Madawaska, they believed and understood themselves to be within the limits and jurisdiction of the United

States, a people of whom France had been the friend and ally in the war which had just terminated in their independence, and who was still the friend and ally of France in peace. Their history since that period has lost little of its interest. Too few in number, too weak in resources, too remote to expect or receive aid, they submitted to whatever master assumed authority over them. With a knowledge of their history, and the wrongs they and their ancestors have suffered, it will be difficult for the people of Maine to bring themselves into the belief that these people are opposed to living under the mild and gentle sway of our free institutions. It will be equally difficult for the people of Maine to satisfy themselves that it is only from a lively and disinterested sympathy for these poor Frenchmen that the Government of Great Britain is so solicitous to retain possession of the south bank of the St. John, extending from the due north line more than fifty miles up to Fish River."

This is the paper transmitted by Mr. Webster to Lord Ashburton, in answer to his Lordship's earnest appeal in behalf of the people of Madawaska! It avers distinctly that the British Government had alienated the people of Madawaska by its cruel conduct towards them, and insinuates broadly that Lord Ashburton's declared sympathy for them was nothing but hypocrisy. I venture to say, that if any such paper had been addressed by Lord Ashburton to Mr. Webster, a sharp reply would instantly have been returned to it. Any one who looks at the whole of this correspondence cannot fail to observe a marked contrast between the tones of the representatives of the two governments. What was Lord Ashburton's reply to the passage which I have read? Nothing but an expression of profound respect for the gentlemen of Maine. His Lordship says, in his next letter to Mr. Webster:—

"If the observations contained in my note of the 13th ultimo have given rise to these consequences, I much regret it; and I would now pass over all these more than useless discussions, and proceed at once to notice the proposals you make, if I were not apprehensive that my so doing might be construed into some want of respect for the parties from whom these observations have proceeded."

Then comes an observation respecting the people of Madawaska:—

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"It is sufficiently explained, in my plan for a settlement, why I was anxious not to divide in two parts, by our new line of boundary, the Madawaska settlement; and I am sorry to say, that the information I have since received, both as to local circumstances and the anxiety of the people themselves, tends strongly to confirm my impressions."

That is to say, as he had said at first, that it would be a cruel act — that it would be "an evident hardship" — to separate these people; that he should consider such a separation, by placing them under separate laws and governments, "a most harsh proceeding;" that it would be making aliens of a people who wished to remain under the protection of the British Crown; but still — the noble Lord in effect goes on to say — but still, as the commissioners of Maine say that it is hypocrisy in the British Government to say that these people wish to remain under our protection, you may take them. That is what Lord Ashburton says. And then Lord Ashburton puts the matter on the ground of humanity, and says: —

"I had hoped that the other equivalents which I had offered, combined with the sense entertained by the Government of the United States of the pressing importance of the case, on the ground of humanity, would have been sufficient for the purpose I so anxiously desired; but perceiving from your note, as well as from personal conversation, that concession on this point is insisted upon, I might be disposed to consider whether my anxious desire to arrive at a friendly settlement would not justify me in yielding, however reluctantly, if the latter part of your proposals did not, if finally persevered in, forbid all hope of any settlement whatever."

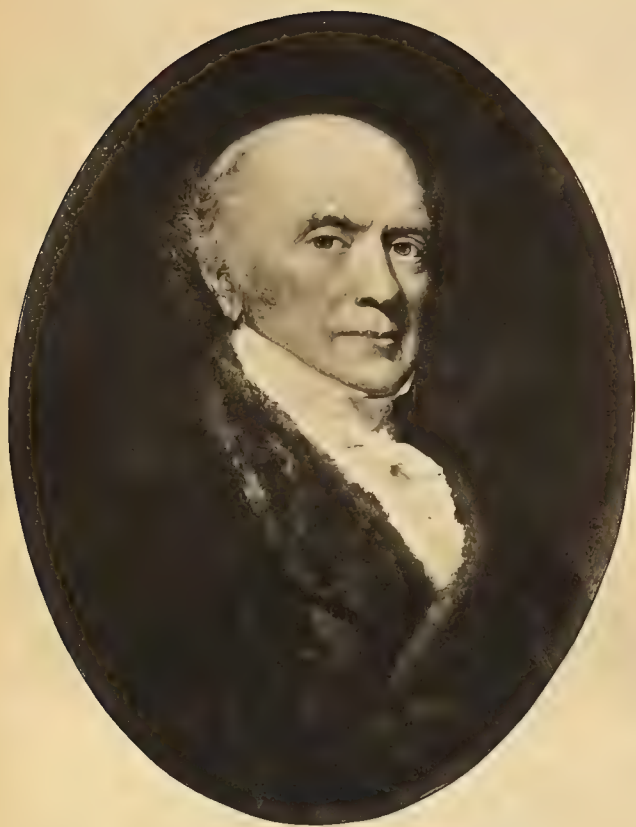
This was the miserable result. After being insulted by the commissioners of Maine, and told that the English Government was guilty of nothing but hypocrisy in pretending to feel any anxiety for the people of Madawaska, Lord Ashburton quietly gives them up! Now, if it was necessary to give these people up, was it necessary for the English Government to degrade itself by going to another government and asking to be permitted to retain sovereignty over them, on the ground of humanity? Why should the Queen of England ask leave to retain control over her subjects on the ground of humanity? I can conceive only two grounds on which her Majesty's Government

could be justified in resorting to the plea of humanity. If the United States had a clear right to the territory, we might with propriety have begged them to forego their claim on the score of humanity. Again, we might have had recourse to the same plea if we had suffered some terrible reverse in war, as we know that after the battle of Jena the Queen of Prussia almost went down on her knees in order to obtain the single town of Magdeburg; but, I ask, was there anything in the relations subsisting between England and the United States to make it imperative on us to say, "We have a right to these people; they are clinging to us for protection; we wish to retain them under our Sovereign's Government; pray, for the sake of humanity, let us do so." If the thing was to be done, if the Government had, after all, made up its mind to sacrifice them, why exhibit itself before all the world in the degrading position of a supplicant to the United States on the score of humanity? The greater part of this negotiation was carried on generally at conferences and discussions; very little of it was conducted by means of writing. One of the most important articles in the treaty is the eighth, which appears to have been negotiated without a single line of correspondence having passed between Lord Ashburton and Mr. Webster. Now, if it was necessary that this country should submit to the disgrace which I maintain is involved in the Madawaska transaction, why was not that also decided by oral negotiation? Why was our humiliation paraded before all the world in this correspondence? Far be it from me to recommend anything like a contumelious policy towards other nations; far be it from me to advocate the adoption of a bullying policy; but I do say that the self-respect which exacts from nations, with whom we are treating, courteous conduct, is essential to the independence and security of a nation. There is a distinction between bravado and the adoption of a high tone becoming the position and character of a great nation. I have said that the correspondence on the table exhibits a marked difference in the tone of the negotiation of Great Britain and the United States. Mr. Webster writes on this subject: —

"Your Lordship's observations, upon the propriety of preserving the unity of the Madawaska settlement, are in a great measure just, and altogether founded, I doubt not, in entirely

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good motives. They savor of humanity and a kind regard to the interests and feelings of individuals. But the difficulties seem insuperable."

Well, then, can any human being say that our honor was not concerned in preserving to the British Crown this territory of Madawaska, the settlers upon it being anxiously desirous to remain under our sway? Observe, too, the tone in which Mr. Webster receives even the mildest and gentlest remonstrance on the part of Lord Ashburton. Lord Ashburton had ventured to express a doubt, in the correspondence relative to the Caroline, whether, in a particular instance, the American Government would possess sufficient control over its subjects in their conduct towards other States, — a very natural doubt, considering what has happened in late years. Mr. Webster, however, did not suffer the observation to pass for a moment without replying to it, and he declared: —

"It is for the Congress of the United States, whose attention has been called to the subject, to say what further provisions ought to be made to expedite proceedings in such cases; and in answer to your Lordship's questions, towards the close of your note, I have to say that the Government of the United States holds itself, not only fully disposed, but fully competent, to carry into practice every principle which it avows or acknowledges, and to fulfil every duty and obligation which it owes to foreign governments, their citizens or subjects."

I ask any one to compare the letters of Lord Ashburton and of Mr. Webster from the beginning to the end of the correspondence, and to declare whether an entirely different spirit does not pervade every sentence of them. I think, therefore, that I have made out some ground at least on which to support the first point which I proposed to establish, and that there is grave reason to doubt whether the dignity of the country has not been grievously compromised in this negotiation. The negotiation, I must observe, far from settling all the points in dispute between the two countries, has placed some of them in a worse position than that in which they previously stood. At this late hour I will confine myself to only one of these points. I undertake to prove that with respect to that most important point of dispute between the two nations, the right of visit, the Treaty of Washington has placed us on a worse

footing than we stood on before. The right of visit has, it is well known, excited a strong feeling in the United States, and the right honorable Baronet opposite has declared that the British Government will not abandon it. Now I wish to understand from the gentlemen opposite what construction they put upon the words of the eighth article of the treaty? It runs thus:—

“The parties mutually stipulate, that each shall prepare, equip, and maintain in service on the coast of Africa a sufficient and adequate squadron, or naval force of vessels, of suitable numbers and descriptions, to carry in all not less than eighty guns, to enforce, separately and respectively, the laws, rights, and obligations of each of the two countries for the suppression of the slave trade: the said squadrons to be independent of each other, but the two governments stipulating, nevertheless, to give such orders to the officers commanding their respective forces as shall enable them most effectually to act in concert and coöperation, upon mutual consultation, as exigencies may arise, for the attainment of the true object of this article; copies of all such articles to be communicated by each government to the other respectively.”

Does that article mean that we have ceded the right of visit or not? The right honorable Baronet has told us distinctly that it does not; but in what sense is that article received in the United States? The right honorable Baronet, if I understood him aright, took some exception to the reference which has been made to the conduct of the American Senate with reference to this question, and said that the President was the only executive organ. I contend that the Senate is a portion of the executive power. Gentlemen must be aware that, by the Constitution of the United States, the consent of the Senate is as necessary to make a treaty binding on America as the ratification of the Sovereign in this country. Now I hold in my hand the report of a speech delivered by Mr. Rives, the Senator for Virginia, and chairman of the Committee of Foreign Relations to which the Treaty of Washington was referred, and upon the report of which it was ratified. Mr. Rives, in referring to the eighth article, said that, under that, each power is to act separately and independently of the other, and neither power would be at liberty to visit the vessels of the other. I

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say that the eighth article is, in fact, so much waste paper ; for it has been received in one sense in America and in another in London. Her Majesty has ratified the treaty in the sense that it does not abandon the right of visit, and the American President has ratified it in the sense that it does. Did any one ever hear of such a mode of settling long-disputed questions between two countries, and laying the foundation of long-continued amity ? It would be bad enough if the matter were to stop here for the present, and we should hear nothing of the results for four or five years ; but the very hand which has sown the seeds of dissension has also provided for their immediate fructification. It is provided that each country shall send a squadron to enforce separately and respectively the laws, rights, and obligations of each, and it is intended these squadrons are to act with a view to obtain the same end. How ? Why, by one having instructions to enforce the right of search, and by the other having instructions to resist it. Was there ever such a device for bringing two nations into collision ? Here are two squadrons, commanded by high-spirited officers, and manned by gallant crews, — the one being instructed to do that which the other is told to consider an outrage on their flag. No device could have been more elaborately and ingeniously contrived to destroy the chance of maintaining pacific relations between the two countries. It is a curious circumstance that this article, so important in itself, and so strangely framed, is one respecting which not a single line of explanation is to be found in the correspondence, — everything respecting it would seem to have passed in conversation. Which of the two suppositions am I to adopt ? Am I to suppose that Lord Ashburton, not intending to abandon the right of visit, yet in conversation with Mr. Webster inadvertently let fall some expressions which induced that gentleman to believe that he did abandon it ? [Sir *R. Peel* : No.] I accept the right honorable Baronet's denial ; but then, look at the other horn of the dilemma. How came it into the head of Mr. Webster, within a week of the signature of the treaty, to inform the Committee of Foreign Affairs of the Senate that we had given up the right of visit ? — and how came it into the head of the American President to make the same declaration ? I am unwilling to attribute this apparent misapprehension to intention or misrepresentation on the part of the

American authorities. Perhaps it is better to suppose that Lord Ashburton, in his conference with Mr. Webster, allowed his speech to get the better of him. I have sometimes observed that that able and ingenious man, when on the floor of this House, allowed his speech to get the mastery of him, and so has given utterance to words which he had not well weighed before, nor could accurately remember after. To suppose that the Government of the United States should, before the ink of the treaty was yet dry, have committed an act of statecraft such as its conduct if insincere would be, is to imagine a proceeding which could not be accurately described in very mild terms. However, the first proof we have of the amicable effects of the Treaty of Washington is, that, on the first day of the session, the Prime Minister of England is obliged to rise in the House of Commons and contradict what the American President had stated about the eighth article. This is not a symptom betokening the existence of that state of amity which we have been brought to expect would be the result of the treaty. I cannot help referring to another point: I allude to the bill introduced into the Senate respecting the Oregon Territory. That such a bill should have been carried by a majority is sufficiently indicative of the state of feeling in America towards this country. It should be borne in mind, that the Senate is not dependent for its existence on the popular will; it is elected, not by a democratic body, and endures for six years. It is a body which comprises amongst its members a large proportion of the men of the greatest weight and most distinguished for their ability in the United States. When such a bill as that about the Oregon Territory can find supporters in such an assembly, it shows the state of public feeling which has sprung up in America from the Washington Treaty. One other matter connected with this view of the question I may refer to. It was, it must be admitted, sufficiently ungracious conduct on the part of the American Minister at Paris, General Cass, to interfere to prevent France from joining in the treaty of the five powers on the subject of the right of search. But was it necessary that, in the very first speech which the American President made after the signing of the Treaty of Washington, he should take credit for having, in that respect, frustrated the policy of England? This is another proof of the amity which has sprung up

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from the Treaty of Washington. Look again at the language used in the Senate, — not only the language of those who entertained strong feelings against England, but of Mr. Calhoun, who was always supposed to be favorable to this country. What did he say, when speaking on the right of visit? He said, that if England put any other interpretation on the treaty than that in which it was construed in America, she must “do it at her peril.” Does this look like a pacific result? The right honorable Baronet tells us that he has not abandoned one particle of his position, and he will not, of course, now disgrace the country by receding. The noble Lord had spent eight or nine months in arranging a treaty which is to secure peace and friendship, and what is the result? Are not the symptoms of pugnacity still greater than they were before? And is not this the natural result of the course which has been pursued? What other effect could be hoped for? How can any nation respect a government which has ceased to respect itself? I said before, and I now repeat, that, instead of procuring for us the blessings and advantages of peace, the course pursued has every tendency to plunge us speedily into a war with America; and it is because of the strong sense which I entertain of the advantages of peace, and because I feel that the policy indicated in the papers before the House is not calculated to insure peace, that I now express these sentiments. It will not do for this country at one moment to take certain steps in the cause of humanity, and shortly after to retrace them when resisted by other nations. The moment we abdicate any one object because of the resistance of another power, England loses the high place which she holds amongst the nations, and then every other power will be increasing in its demands for fresh exactions. What do we see daily in the French papers? They have taken the tone from this circumstance, and are constantly referring to the example of America as one to be followed. They say, only let M. Guizot bully the English as the American President has done, and France would soon triumph over the arrogant pretensions of the haughty islanders. Everything in the country conspires to make it an object of general envy with other nations. Its great power, its immense wealth, its extensive empire, its flag floating in every sea, all contribute to that effect. It is easy to talk of the treaty of July, and to attribute the feeling of hostility to that; but it

is well known, everybody knows, that even the powers who are parties to that treaty entertain a feeling of envy towards this country. Under these circumstances, I am satisfied that if you suffer yourselves to be treated with anything like contempt by other nations, — if you allow any doubt to arise as to the spirit with which you are prepared to maintain the interests of this country in your dealings with the other powers of the world ; if you allow it once to be thought that the higher the ground taken by others the lower will be your tone, and the more submissive you will become ; if you allow these impressions to go abroad, founded upon your public intercourse with any one nation, — then I am satisfied, I say, that you will soon have to contend with more than one enemy for your place among the nations of the world. I do not say that these are maxims which can be used by every government. I do not say that there may not be some petty principality or some insignificant republic to which they would not apply ; that there may not be some Duke of Lucca or some republic of Geneva that might not find it safe to adopt them ; but I say that that is not the state of our country ; that she has been too great ever to find her safety in humble littleness. If she cannot find safety in her firmness and her dignity, England can never find it in subserviency and shame. These are my charges against this treaty. Allowing, in the first instance, that the boundary line is not the only direct source of censure, I say that the negotiation generally has been conducted in such a manner as to lower the character of this country. And secondly, I say that the negotiation has been so conducted, and the treaty has been so framed, that it has left one of the most serious causes of irritation more inflamed than before. I say, that one article of the treaty has been ratified in one sense at Washington and in another sense in London. I say, that you are both sending your squadrons to meet each other under circumstances in which they can be scarcely friendly. I see no symptoms leading me to believe that the effect of all your humiliation has been to obtain any kind feeling, any esteem, any respect from the United States. On the contrary, as far as I can judge the disposition on the part of public men in the United States, I think they seem to believe that that power has nothing to do but to take a very high and resolute tone in order to obtain whatever it may wish. I think, too, I can see in the feeling

of the other powers of the world towards you the effect of what you have done with the United States. I think I can see on their part a belief that they advantageously profit by adopting the example set them by the United States. And I conceive, therefore, that this policy of yours, though professedly pacific, — and which, as far as your intentions and those of Lord Ashburton went, was so, — is more likely than any other policy ever adopted by any government of this country to bring on before long some most fearful and devastating war.

NOTE

As the subject of this speech is one of permanent interest in American history, and the debate with its result illustrates in a marked manner certain salient points in the character of British statesmen, we annex an analysis of the proceedings in both Houses of Parliament which terminated by the adoption in both of a vote of thanks to Lord Ashburton. This analysis derives additional interest and value for our purpose by the frequent allusions that occur in it to the member from Edinburgh.

HOUSE OF COMMONS, *March 22, 1843.*

TREATY OF WASHINGTON

Adjourned Debate

Sir Charles Napier (in allusion to the speeches of the previous evening) thought if honorable gentlemen would make shorter speeches, they would produce more impression and cause less fatigue. Last night a mist had come over his eyes during the speech of the right honorable Baronet [Sir Robert Peel] which had almost the effect of mesmerism and compelled him to retire, so as to prevent his hearing the speech of the right honorable gentleman from Edinburgh [Mr. Macaulay], in every word of which he agreed. A roar of laughter followed this statement, when Sir Charles explained that he had read the speech in the morning papers. He was satisfied that every man who looked impartially at this treaty must admit that it was a most unwise and impolitic measure. It would appear that the noble Lord [Ashburton] was sent out with the determination to settle the question at issue, no matter how disadvantageous the settlement might be to Great Britain.

Mr. D'Israeli had listened to the speech of the noble Lord [Palmerston] with uninterrupted attention and unbroken admiration. It was one of the ablest parliamentary exhibitions he could recall,—he would say unquestionably so, if the noble Lord had never had anything to do with the circumstances he so perspicuously explained. The noble Lord objected to the treaty because it embodied terms which were more favorable than those which the noble Lord was willing and anxious to accept under the award of the King of the Netherlands. He believed that a very general opinion prevailed in favor of the treaty as an advantageous settlement of a great and difficult question; but he believed that the opinion was equally general that Great Britain had a right to the disputed territory and could afford to be generous. With regard to the conduct of the negotiation by the American Government, he did not think Mr. Webster was called upon to produce the map marked with the strong red line [which Lord Palmerston intimated had been unfairly withheld], even if it were the same that Dr. Franklin alluded to in his letter to Mr. Livingston as the map (Mitchell's) brought to the treaty [of 1783] by the Commissioners from England and used in tracing the boundary. He believed that the American people had acted throughout this negotiation with sincerity and the American statesmen with honor.

Mr. Hawes was presenting his views on the question, when, an honorable member having observed that there were less than forty members present, the House was counted and adjourned at a quarter past seven o'clock.

HOUSE OF COMMONS, *March 23, 1843.*

TREATY OF WASHINGTON

Mr. Hume, having alluded to the circumstances of the adjournment on the preceding evening as discreditable and disgraceful to the House, asked Lord Palmerston if he had any intention of renewing the debate. His Lordship replied that he was quite satisfied with the discussion that had taken place, and should not press his motion to a division, or give notice of any other motion on the subject. Thereupon Mr. Hume gave notice that on the 31st instant he should submit a resolution to the House, the effect of which he stated.

HOUSE OF COMMONS, *May 2, 1843.*

TREATY OF WASHINGTON

Mr. Hume, in rising to move a resolution of thanks to Lord Ashburton, said that he was the more induced to do so in consequence of the attack upon his Lordship by the noble Lord [Palmerston], who had lately occupied the post of Foreign Secretary, and concluded his speech by moving, —

“That this House, looking to the long-protracted and unsuccessful negotiations for the settlement of the northeastern boundary between the United States of America and the British North American provinces; and taking into consideration the great importance of removing the grounds of irritation between the inhabitants of the frontier, is of opinion that the Treaty of Washington, by which that boundary has been defined and settled, is alike honorable and advantageous; and that Lord Ashburton, who conducted the negotiations which led to that treaty, deserves, for that service, the thanks of the House.”

Dr. Bowring seconded the motion. Sir C. Napier was not astonished that a noble Lord [Brougham] in the other House should have proposed a vote of thanks to the noble Lord [Ashburton], — but he must express his regret that the honorable member from Montrose, whom he had always considered a plain, straightforward, honest, calculating Scotchman, should follow in that noble and learned Lord's footsteps. He moved as an amendment that the House adjourn. Captain Berkely seconded the amendment. Mr. Estcott supported the original motion. Mr. E. Buller regretted that the motion had been brought forward, and should vote against it as entirely unprecedented. Sir H. Douglas expressed his cordial approval of the conduct of Lord Ashburton in not having insisted upon the retention of Rouse's Point. Mr. Vernon Smith thought Mr. Hume's resolution monstrous, and asserted that it was owing to the fact of the House being counted out on a warm evening, whereby the honorable member was unable to deliver his speech, that Lord Ashburton was now indebted for this vote of thanks. Mr. C. Buller was not only prepared to vote for Mr. Hume's resolution, but was glad that it had been offered.

Lord Stanley made a long speech in reply to Lord Palmer-

ston and Mr. Macaulay. He said if Lord Ashburton was indebted to any one more than another for the extraordinary and unprecedented honor of having the thanks of that House given him as the negotiator of a treaty with the United States, the person to whom he was mainly indebted for it was the noble Lord [Palmerston] the member for Tiverton, on account of the unfair and he must say the ungenerous attack made by that noble Lord on Lord Ashburton. A right honorable gentleman, a late Cabinet Minister, whose observations were therefore received with considerable weight, had told the House in the course of his attack upon the noble Lord whose treaty he had assailed, that there never had been a greater stain cast upon British honor in the whole course of British diplomacy. Were these unmeaning words? [*Mr. Macaulay*: I spoke of the despatches, and not of the terms of the treaty.] He [Lord Stanley] was speaking at a distance of three or four weeks from the speech of the right honorable gentleman, and regretted he could not have replied to some of his observations at the time, but he certainly had understood him, speaking rather of the terms of the treaty than the language of the despatches, to have said that a greater stain had never been cast by British diplomacy upon British honor than had been cast upon it by Lord Ashburton's treaty. These were terms and expressions to which neither Lord Ashburton nor her Majesty's Government ought to submit in silence, and he rejoiced that the honorable member from Montrose had given the Government an opportunity of answering that attack. He would venture to say that no treaty had ever been concluded between two nations with greater mutual harmony or greater mutual advantage, or with respect to which, if dissensions had arisen, those dissensions would have been more mutually suicidal than this treaty between this country and the United States of America. [*Mr. Macaulay*: Mutually suicidal!] The right honorable gentleman was a great critic. If the expression "mutually suicidal" was not quite correct, it would at least be generally intelligible. If a war could arise between this country and the United States, not a blow could be struck by the one against the other which would not recoil upon itself; and while that blow might inflict an injury upon the foe, it would be productive of an equal injury to the assailant. The expression he had used did not

therefore call for the hypercriticism of the right honorable gentleman. After discussing at some length the settlement of the questions which Mr. Macaulay said on a former occasion had been left in a worse than unsettled state, Lord Stanley concluded by an appeal to the House to support Mr. Hume's motion, and thereby tell the country and tell America that they viewed with satisfaction, with no unworthy exultation, but with honest rejoicing, the prospect of continued peace, and give due honor to the statesman by whose ability as a negotiator these results had been obtained.

Lord John Russell, following on the other side, observed that no vote of censure had been proposed in this case. All that is complained of by the noble Lord [Stanley] is that my noble friend [Lord Palmerston] and my right honorable friend the member from Edinburgh [Mr. Macaulay] have been audacious enough to make speeches in this House, in which they have commented upon the course taken by Lord Ashburton in respect to the treaty effected by him with the United States. The noble Lord, in thinking those speeches justify the unusual course of a vote of approbation, has paid a high compliment to my noble friend and my right honorable friend the member from Edinburgh; because he must have felt that the speeches were so full of argument and so unanswerable, that the only way in which he can do away with their effect is to pass resolutions of both Houses of Parliament — resolutions entirely without precedent — approving the conduct of the noble Lord whose conduct was so commented upon. Without adopting his words, he agreed with Mr. Macaulay, that the tone of the negotiation and the manner of them were calculated to lower this country in the eyes of the world, and it was his belief that such had been their effect.

Sir R. Peel said: I admit that the proposed course is unusual, but put this question to the noble Lord, — Was there ever an instance in which three statesmen whose opinions are entitled to such respect as those of the noble Lord [Russell] who has just spoken, the late Foreign Secretary, and the right honorable gentleman the member from Edinburgh, — was there ever such a case in which men who swayed public opinion to such an extent, came forward so decidedly to express an unfavorable opinion as to the result of a negotiation and the conduct of a diplo-

matist? The noble Lord [Russell] has stood in the position of the leader of the House of Commons; the other noble Lord [Palmerston] by his side has lately filled the office of Secretary of State for Foreign Affairs, and is generally believed to have more knowledge and experience in these matters than any other man living; of the great talents and abilities of the right honorable gentleman on his right [Mr. Macaulay] I have had frequent opportunities of expressing my opinion; and I will ask, is it just, is it equitable, that three such men should attempt to discredit — nay, to ruin — the reputation of a public man who has undertaken a public duty from the purest of all possible motives, and because they conduct their attack according to precedent, those who support and defend him are to have no opportunity of asking for the opinion of the House of Commons — of determining whether or not such discredit is cast upon him with the sanction of the Legislature and the public? One noble Lord has described this negotiation as a capitulation; the right honorable gentleman has said that it is a stain upon the honor of the country; the other noble Lord says he entirely agrees in this opinion, and yet they refuse a motion calculated to put their opinions to the test by a vote of the House.

Viscount Palmerston concluded the debate in a speech of some length, in which he averred that the vote proposed was against the practice of Parliament, that it would add no honor to the individual on whom it was conferred, and would lower the country in the eyes of every other nation in the world.

The House divided on the question of adjournment — Ayes, 105; Noes, 240. Majority, 135.

The House again divided on Mr. Hume's motion — Ayes, 238; Noes, 96. Majority, 142.

HOUSE OF LORDS, *April 7, 1843.*

TREATY OF WASHINGTON

Lord Brougham made a long and very elaborate speech in favor of the Treaty of Washington, concluding with moving their Lordships to resolve: —

“That this House doth approve of the conduct of the late negotiation with the United States; doth rejoice in the terms, alike advantageous and honorable to both parties, upon which the treaty has been concluded; and doth express its high sense

of the ability with which the Lord Ashburton, the Minister sent to treat with the United States, executed his commission, and its satisfaction at the restoration of a good understanding, which it is alike the duty and the interest of both countries to maintain unbroken."

The Duke of Cambridge concurred in the motion of the noble and learned Baron, and hoped it would be carried by a very large majority. The Marquess of Lansdowne inquired if the motion had been brought forward in connection with the Government. The Earl of Aberdeen replied — Not the least; but the motion will have their support. The Marquess of Lansdowne spoke in opposition to the motion, as, though the treaty was one to the object of which he wished well, he could not absolutely "rejoice" at the terms in which it was concluded; and as he did not wish indirectly to condemn it, instead of saying "not content," he should satisfy himself by moving that the House do now adjourn. The Earl of Aberdeen defended the treaty, and though the motion had been made unconnected with and without the sanction of her Majesty's Government, having been made, they felt it their duty to give it a ready and a willing support. After a long speech by Lord Campbell against the motion, and some observations by Lord Colchester, Lord Denman, and the Earl of Carnarvon, the amendment was negatived, and the resolution of thanks offered by Lord Brougham agreed to.

HOUSE OF LORDS, *Tuesday, April 11, 1843.*

Lord Ashburton, who seemed nearly overcome by his feelings, returned his thanks to the Lords for the resolution of thanks with which they had honored him, in a brief speech, in conclusion saying: "I must again express to your Lordships the deep sense I entertain of the honor of that approbation which you have been pleased to express, and which is the highest reward that I could possibly receive for the humble efforts which I have made in the service of my country." The Duke of Wellington added, "I am sure the House will have heard the speech of the noble Lord with satisfaction. I consider it my duty to move that the subject be entered on the journals of the House."

Motion agreed to, *nem. con.*

POST OFFICE ESPIONAGE

A SPEECH DELIVERED IN THE HOUSE OF COMMONS ON THE
24TH OF JUNE, 1844

On the 14th of June, 1844, Mr. T. Duncombe, in the House of Commons, presented a petition from Joseph Mazzini and three others, stating that their letters had been detained, opened, and read by certain of the authorities of her Majesty's Post Office, and praying the appointment of a committee to inquire into the alleged unconstitutional and infamous practice. Sir J. Graham admitted a warrant had been issued on his authority as to the correspondence of the petitioners, which warrant was no longer in force. The power had existed from Queen Anne's time, and he had exercised it, and could not consent to enter into any further explanation.

On the 24th of June, Mr. T. Duncombe presented the petition of Mr. Charles Stolzman, a Pole, with averments similar to those above stated in the case of Mazzini and others, and moved its reference to a select committee. Sir J. Graham replied that the power in question had existed since the Revolution, and had been in constant use before and after that event, and that he had exercised it in the accustomed form, and that he therefore felt it his duty to resist the motion. After a long debate in which Mr. Macaulay made the following speech, the House divided — Ayes, 162; Noes, 206. Majority, 44.

MR. SPEAKER, — I can assure the right honorable gentleman, that on entering the House my earnest wish was to treat this question without mixing any feelings of a personal or party nature; but the observations of the right honorable Baronet have driven me to adopt a tone which I had wished to avoid. For I must say that the manner, and the language of the right honorable gentleman, were not those of a man conscious of the very peculiar position in which he is placed. For even if it be admitted that the power exercised by the Secretary of State is a necessary power, still it cannot be denied that it borders closely upon powers of the most odious and immoral character. [Hear, hear.]

If a necessary power, it is certainly one abhorrent to the English character and to the genius of the British constitution; a power which, if entrusted to a government for considerations

of public safety, is one over the exercise of which we are bound to watch with the utmost jealousy. It is one with respect to which we ought to know precisely what has been done; the nature of the warrants under which letters have been opened; how often such warrants have been issued, and what has been the course of proceeding under them. But that in a case like this, of all others, the minister should come down to the House of Commons declaring that the law had given him the power, and at the same time charged him with the responsibility, and that he would give no account of the manner in which the power had been exercised, does seem to me to encourage the suspicion that it is a power likely to be abused; and more especially as the right honorable gentleman, I cannot help saying, does not consider the power that singularly indelicate and fearful thing which it really is. [Hear, hear.] The right honorable Baronet seems to consider it quite enough for the minister to appeal to his general character and refer to his responsibility, at the same time refusing to answer; but if there ever was a power which ought to be watched, and the manner in which it had been exercised accounted for, it is assuredly this.

To come, however, to the motion of the honorable member for Finsbury, who calls on the House to appoint a committee to inquire into, and, among other things, to report on the present state of the law with respect to this subject, and to suggest modifications if necessary. Now, I beg to say that for the present state of the law, neither party in this House is answerable. Both parties have received it from their ancestors. Both parties no doubt, when in power, have used it. I do not impute to either a wish to use it dishonestly or oppressively; but now that our attention has been called to it, I do maintain that it is a power which we cannot, consistently with our duty, allow to continue without very great modifications.

I defy any person to show on what principle a letter of mine passing through the Post Office should be treated differently from a letter in my private desk; or to establish that a letter in the post-bag is so situated that it may be treated in a manner that would not be adopted towards a letter in private keeping. The letter is put into the post-bag for the purpose of transmission; and of the transmission of letters we have given the Post Office for revenue purposes a monopoly. But that the institution

of the Post Office should be turned into an engine of secret police does appear to me to be abhorrent to the principle of the constitution, as well as foreign to the very nature and object of the Post Office.

I well know that the law gives this power to the Secretary of State, and I am ready to admit a full share of the responsibility as applying to the late government; but I certainly think it is a power which ought not to continue a part of the law of England. [Hear, hear.]

I repeat that there is no essential reason why a letter in the Post Office should be treated differently from a letter in my private desk. If I were engaged in a treasonable conspiracy, it would matter little whether the letter were on its passage or whether it were in my pocket. The inconvenience is the same whether it is examined before it reaches me or when it is in my possession. Then why adopt a different course with regard to the one from that which you pursue with regard to the other? If the letters of persons are to be examined at all, let them be examined in the same way as if they had reached their destination, and the persons receiving them had been apprehended on suspicion of crime. In that case a man's papers may be searched and produced against him in a court of justice; but then he has by the very nature of things the means of seeking redress if the power of the Secretary of State has been exceeded, and, on proof of such excess, of getting exemplary damages. [Hear, hear.]

Look at a remarkable case in our history—that of Mr. Wilkes. When his letters had been seized and read by Lord Halifax, and Mr. Wood, the Under Secretary of State, he brought an action for those letters being wrongfully seized, and without probable cause, the result of which was that they were obliged by the verdict of a jury to pay him £1000 damages. This is what I call ministerial responsibility. [Cheers and laughter.]

Now, what I want to know is this: why, if a letter had been delivered to Mr. Mazzini, and it had been illegally seized and opened while in his possession, he would have an action against the offender and perhaps a £1000 damages; while, before it reached him, it might be opened on the most vague suspicions crossing the mind of the Home Secretary, or from some hint

given by a foreign Minister, and Mr. Mazzini be left in ignorance of its having been opened, or if he became aware of it, left without redress?

But we are told that this practice and this power are necessary to the due maintenance of government; the same argument that is made use of to justify the search of a man's papers and the reading of letters that had been delivered, is also urged in support of the opening of letters going through the Post Office.

But the question whether we should take the disadvantages with the advantages of a system of spy police has not now for the first time to be determined. The question was decided by our ancestors long ago, and I hope that we, in the present day, are not inclined to reverse their decision. [Hear, hear.]

Everything that has been urged by and in behalf of the right honorable gentleman may with equal force be urged in favor of the application of the spy system in its worst shape. Where is the difference between the personal communication of friends near and the written correspondence of friends at a distance? The same argument that justifies the opening of a letter might be brought in favor of giving a political agent the power of popping his ear to the key-hole. [Cheers.] The same plea which is urged for opening letters might be used to defend the employment of spies to overhear private conversations, and with the same advantages. [Cheers.] For nobody doubts that there are advantages from the system of breaking open letters. Does any human being doubt that good had resulted from the employment of the spy system—that the French police had been able to prevent many crimes? [Hear, hear.] It was the same thing as to torture. There could be no doubt that as long as the English law sanctioned the use of the torture a great many crimes were detected by it. It has too its advantages—[Cries of Oh! oh!] what! would any human being doubt that much good of this description had been done by the use of the torture? They only showed the rack to Guy Fawkes, and out came all the history of the Gunpowder Plot. [Cheers.]

But the good or the evil of such modes of getting at the truth is not now in question.

This country determined long ago to dismiss this degrading, pernicious, and debasing system of espionage from our political institutions. They determined that they would rather take the

risk of great crimes going undiscovered or unpunished, than adopt a system which would put all men in a state of insecurity, possess all minds with a craven fear, and destroy that manly spirit upon which, far more than upon any system of police, must depend the freedom and the happiness of nations. [Hear.]

The suspicion of such practices is bad enough in the case of an Englishman, but it is much worse in the case of a foreigner.

I do not mean to cast any imputation on the honesty of those who may have exercised that power, but men may be very honest and yet not be very judicious. Their minds may be overheated by political differences, and they may be led away by particular theories; and the apprehensions of foreigners will be very much increased by the mystery which the right honorable gentleman has thrown around the proceedings of the government, when a few plain answers would have informed them at once with respect to the extent to which this practice has been carried. A minister might have said that since he had been in office the letters of some twelve persons had been opened, when, for instance, there was reason to believe that great forgeries had been committed, or that there had been large frauds in the issue of exchequer bills. If any guess had been afforded as to the number of persons whose correspondence had been subjected to this examination, or of the class of persons to whom the practice had extended, or of the mode in which it was done, information of this kind given by a Minister of the Crown would have a great effect in quieting the minds of the public. But the refusal of the right honorable gentleman to give any information of the sort forces the conviction that this practice has been carried to a very great extent by him, and under peculiar circumstances of concealment. I can never believe that if the right honorable Baronet could have denied the charge that seals had been counterfeited and stamps replaced, in order to conceal the opening of letters, he would not have been glad to have done so. The right honorable Baronet must know that unless protected in particular cases, the power exercised by the Government, and the practice of counterfeiting seals and replacing stamps, is a *malum in se*, as well as an infraction of the Common Law of the land. The right honorable Baronet admits that

being empowered by this Act of Parliament to do acts which were illegal at Common Law, he has authorized the opening of letters in the Post Office, detaining some, and sending on others, taking care, however, to disguise the fact that they had been opened; yet he would not satisfy the House and the country by telling them how often he had done this, nor the circumstances under which he had done it. The right honorable Baronet refused to say how far it would be likely to be done hereafter, what was the principle on which it was done, and what the classes of cases to which it was applied, what was the ground or evidence on which the power was exercised, and what was the warrant which he had issued for the purpose.

The right honorable Baronet refused to answer any of these questions, and denied the right of the House to ask them. But if the House of Commons is not to inquire into such cases as these, I would like to know what the constitutional functions of this House are.

I will put a hypothetical case, though I would not do so if the right honorable Baronet had not driven me to it by withholding the real one.

About two years ago the manufacturing districts of this country were in a state of very alarming excitement—in a state which was very dangerous in the opinion of all men. There was a general strike, and much violence was used against those who were ready to work by those who would not work. At the time these disturbances were going on, the universal language of the ultra organs of the party opposite—language which was also held at public meetings by men of considerable importance in the party—was to the effect that they were got up by the gentlemen connected with the Anti-Corn-Law League.

Now, if language like this was held by persons of such rank in the party that it was not an exaggeration to assume they might one day be Home Secretaries, what assurance have we, shrouded as these practices are in a mystery impenetrable, that the letters of the Anti-Corn-Law League, or of gentlemen connected with that body, might not on some occasion like this be opened while passing through the Post Office? I was not a member of the League, nor if I wanted a seat in this House would I sit here as their nominee; but I will undertake to say that there is no person who does not now believe that the charge

then so industriously circulated against that body by the party of honorable gentlemen opposite was wholly unfounded.

I should like, then, to have some assurance that the Secretary of State, acting in accordance with the views he has intimated to the House, may not at some future time think it his duty to open all the letters of some thirty or forty gentlemen — representatives of the people in this House — some containing, perhaps, important facts connected with their business; some having reference to important public affairs, and some filled with the most delicate secrets of private life — and all upon what grounds? Why, upon some vague suspicion, the nature or extent of which the Secretary of State refuses to avow.

As I have already said, in the case of an Englishman the evil is not so great. In regard to him the hardship is only this, that his secrets are read by public officials; but the case of the unhappy foreigner is a very different one. They cannot hang an Englishman, whatever his letters may contain, without the ordeal of a judge and jury. But if there is any foundation for the charges that have been made with respect to foreigners, I cannot but wonder that men who assume to be so humane as the honorable gentlemen opposite should think so lightly of this sort of procedure. There comes a poor Italian to this country, after having in some way probably incurred the displeasure of his government at home, and, relying upon the supposed good faith of the English Post Office, he corresponds through it in confidence, and with a freedom which in his own country he dares not use. Then comes the Minister of his own country to the Secretary for the Home Department and says: "This is a suspicious person. I am afraid he is in league with fugitive Italians, or Poles, and I must have some information about him." Upon this, his letters are stopped in the Post Office, they are read, and resealed, and no intimation is conveyed to him that this had been done. The information thus received is sent over to the native Government of the unhappy foreigner, who carefully lay it by. No evil consequences result to the unfortunate writer whilst he remains in this country; but, at length, unconscious of what awaits him, he goes back to his native land, running at once into the lion's mouth. The information which he had trusted to the English Post Office in the most profound confidence would be used against him — communica-

tions the more open, because made in such implicit reliance, would be the ground of charge by his own Government—the foreigner has no judge or jury to fence him round and protect him; and the result of the whole would perhaps be that, upon information thus afforded, by destroying the safety of the English Post Office, he would be consigned to a dungeon and kept there for life.

In saying this, I do not desire to cast reflections on the institutions of any foreign country, or the conduct of any foreign government. Since I have been in this House I have never done so. I do not think it right to do so. On the contrary, I think that the tone and manner of the House in their allusions to foreign nations ought to be marked with something of the respect and decorum of diplomatic communication. But whilst we should not set ourselves up as the judges upon neighboring governments, we ought not to stoop to be their spies. And I must say that this question in regard to the communications of foreigners appears to me to afford a clear ground for altering the whole law. It is putting a Minister in great difficulties to give him such a power, or—for I do not so much care for the difficulties of the Minister—it is putting the country in a false position that a Russian or an Austrian Ambassador should be able to come to the Minister and ask him to open the letters of some foreigner resident in England, and that the Minister should be in a situation, perhaps, to be obliged to say, “Yes, we have the power, but we will not use it.” [Hear, hear.]

I think the possessor of this power might place the country in a great difficulty, when the representative of a country whose institutions differ widely from ours, and whom for some reason it was particularly expedient to disoblige, came and pressed to be allowed to obtain such information as this practice would afford him.

I think it would be far better to place the Minister in such a situation that he should be able to say, “Parliament has not given us such a power, and we cannot, except according to the forms of the law, and under circumstances of the greatest publicity, unseal a letter passing through the Post Office.”

That answer, coming from a Minister of the Crown, in reply to such a request, would better become the dignity of the country. [Hear, hear.]

My feeling is so strong on this subject, that if the motion of the honorable member for Finsbury had been for leave to bring in a Bill to take away this power from the Secretary of State, I would without hesitation have voted for it ; but, shaped as the motion is, the least I can do is to give my vote, and I shall give it most cordially, for the appointment of a Committee to inquire whether or not this power had been properly exercised. [Cheers.]

OPENING LETTERS IN THE POST OFFICE

A SPEECH DELIVERED IN THE HOUSE OF COMMONS ON THE
2D OF JULY, 1844

On the 2d of July, 1844, Mr. T. Duncombe moved in the House of Commons for the appointment of a Select Committee to make inquiries into certain alleged abuses in her Majesty's Post Office. Sir J. Graham proposed an amendment, observing in the course of his speech, "Sworn servants of her Majesty's Privy Councillors, versed in affairs of State, conversant with the habits of office, well knowing what it had been their duty to do, and what their predecessors had done, have thought fit deliberately to impugn my conduct — the honorable member for Edinburgh for one, has not thought it unbecoming his station and abilities, possessed as he is of power of declamation perhaps hardly equalled in this House, he has not thought it unbecoming of him to come down — I fear not without preparation — and to pour forth the most impassioned language ; pointing out to the indignation of the House and the public, not the law, not the system, but me, the Minister of the Crown, acting in the discharge of an official duty, well known to my predecessors and exercised by them. He said, I think, that it was not to the legal existence of such a power that he objected, but for the departure from the established mode of its exercise — to the manner, in fact, in which I had employed it. Did he stand alone ? Did no other sworn Councillors of her Majesty say the same thing ?"

After a long debate, in the course of which Mr. Macaulay made the following speech, a Committee of Secrecy was appointed to inquire into the state of the law and the subject, and report their opinion and observations thereupon to the House. Ayes, 128; Noes, 52. Majority, 76.

MR. SPEAKER, — I would not now presume to address the House, were it not that I understand, during my absence, some

allusion has been made to me by the right honorable Secretary of State for the Home Department. It is extremely difficult for a person who has not been present during a debate in this House to collect precisely what has been said during his absence ; and it is proportionately difficult for him to give an answer to any charges which have been made against him. But, if I rightly understand what I am told has been said by the right honorable gentleman, the charges he has made against me may be classed under two heads. He has imputed to me, in the first place, a dereliction of my duty as a sworn servant of her Majesty ; and, secondly, he has accused me of making a personal attack upon him, and of imputing to him some misconduct unprecedented in the administration of his predecessors. Now, as to the first and more important of these attacks, I deny that I have in any respect, by any observation I have addressed to this House, violated my oath of duty as a Privy Councillor. I deny that I have divulged any secret which came into my possession in that capacity. I deny that in the character of a Privy Councillor I ever became acquainted with any circumstances whatever relating to the practice of the Post Office. I deny that any paper I knew to be obtained by the opening or scraping of seals was ever, to the best of my knowledge, submitted to me in that capacity. I declare, also, that there is no gentleman, on either side of this House, who is more completely ignorant than I am of all details of that Department of the Post Office to which frequent reference has been made during this discussion. Then, with respect to the second charge made against me by the right honorable gentleman, I deny, with equal confidence, the imputation that I came down to this House to make a personal attack upon that right honorable Baronet. I certainly came down intending to express concisely a very strong opinion as to the present state of the law and practice ; and I intended to have prefaced my observations by declaring that I made no imputation whatever upon the right honorable Baronet beyond what must attach to him in common with all others who had been called upon to administer the same invidious law. If I departed from that line of conduct, it was because the right honorable Baronet himself forced me to such a course ; because I considered that the line of conduct he adopted was utterly inconsistent with all my notions of Ministerial responsibility. I now say, that

in my opinion, there is a wide distinction between the conduct of the right honorable gentleman and that of any persons who have preceded him in his present office ; for who, when called upon in the face of this House to state on what principle he had exercised the power we are now discussing, ever declined to do so before the right honorable Baronet ? When Sir Robert Walpole was called upon in this House to make such a statement, he frankly avowed the principle on which he had acted. The noble Lord near me has made a distinct statement of the principle on which, during his administration, that department was directed. He distinctly declared that, in the exercise of this power, he acted solely with a view to the safety of this country ; and that he would have considered it a departure from the spirit of the law to examine the letters of foreigners, in consequence of applications from foreign Governments, founded upon apprehensions they might entertain. The right honorable Baronet opposite was repeatedly asked, " Will you state that this was the principle upon which you acted ? " The right honorable gentleman replied that he would not ; that a sense of public duty, regard for the safety of the State, induced him to refuse to declare the principle upon which he had acted. Was that consistent with the conduct of the right honorable Baronet to-night ? Why is not this Secret Committee, consisting of nine members of this House, to tell us upon what principle this practice was carried on ? Is it not appointed in order that the House may ascertain on what general principle letters have been opened ? There can be no doubt that the intention is, that this Secret Committee shall state to the House, not particular cases, but the general principles upon which the Post Office and other authorities have acted. To the appointment of that Committee the right honorable Baronet entertains no decided objection. Does he not conceive that the public safety is compromised by the appointment of such a Committee ? Let me ask the right honorable Baronet why he did not state to the House what he conceives will be the substance of the Report of that Committee ? Why, if the Report of that Committee will compromise the public safety, the right honorable gentleman ought not to agree to its appointment. If the public safety will not be compromised by such Report, the right honorable Baronet ought not to have shielded himself under the pretence of " public safety," and have refused any answer to ques-

tions put to him on this subject. A mere declaration from him of the principles upon which he has acted would have prevented me from making any remarks as to his conduct. I should merely have addressed myself to what I think the most important part of the subject — the state of the law. I should be much surprised if the Report of this Committee should lead me to entertain an opinion different from that I have hitherto expressed, namely, that the state of the law requires very great and extensive alteration. I will not detain the House further than to say that I heartily approve of the motion of the right honorable Baronet opposite, and that I think, upon the whole, it is desirable that in the first instance, at least, the proceedings of the Committee should be secret. I conceive it to be possible that some matters connected with the administration of foreign affairs might be disclosed in the course of the examination, the publicity of which we might have reason to regret. I am not desirous that any secrecy whatever should be preserved with respect to the internal arrangements of the Post Office; because, with regard to all matters purely internal, the people of this country are fully competent to judge what is for their own interest. Matters which it is not advisable to render public might, however, be disclosed in the course of an inquiry of this nature. I do not conceive that any Report this Committee may present is likely to induce me to change the opinion I now entertain — that the power possessed by the Secretary of State with regard to the opening of letters is one which produces no advantage at all commensurate with the evils and the feeling of insecurity which it occasions; and that it is a power which, whether we censure the past exercise of it or not, we ought without delay to abolish.

NOTE

ON a subsequent evening, July 18, Mr. Duncombe moved that he should be allowed to attend before the Secret Committee, and examine witnesses in support of the petitions of Mazzini and Stolzman. In the course of the debate on this motion, Mr. Duncombe said that the business must be carried through all its ramifications, from the letter-carrier to the person who opened and resealed the letter, and committed the forgeries.

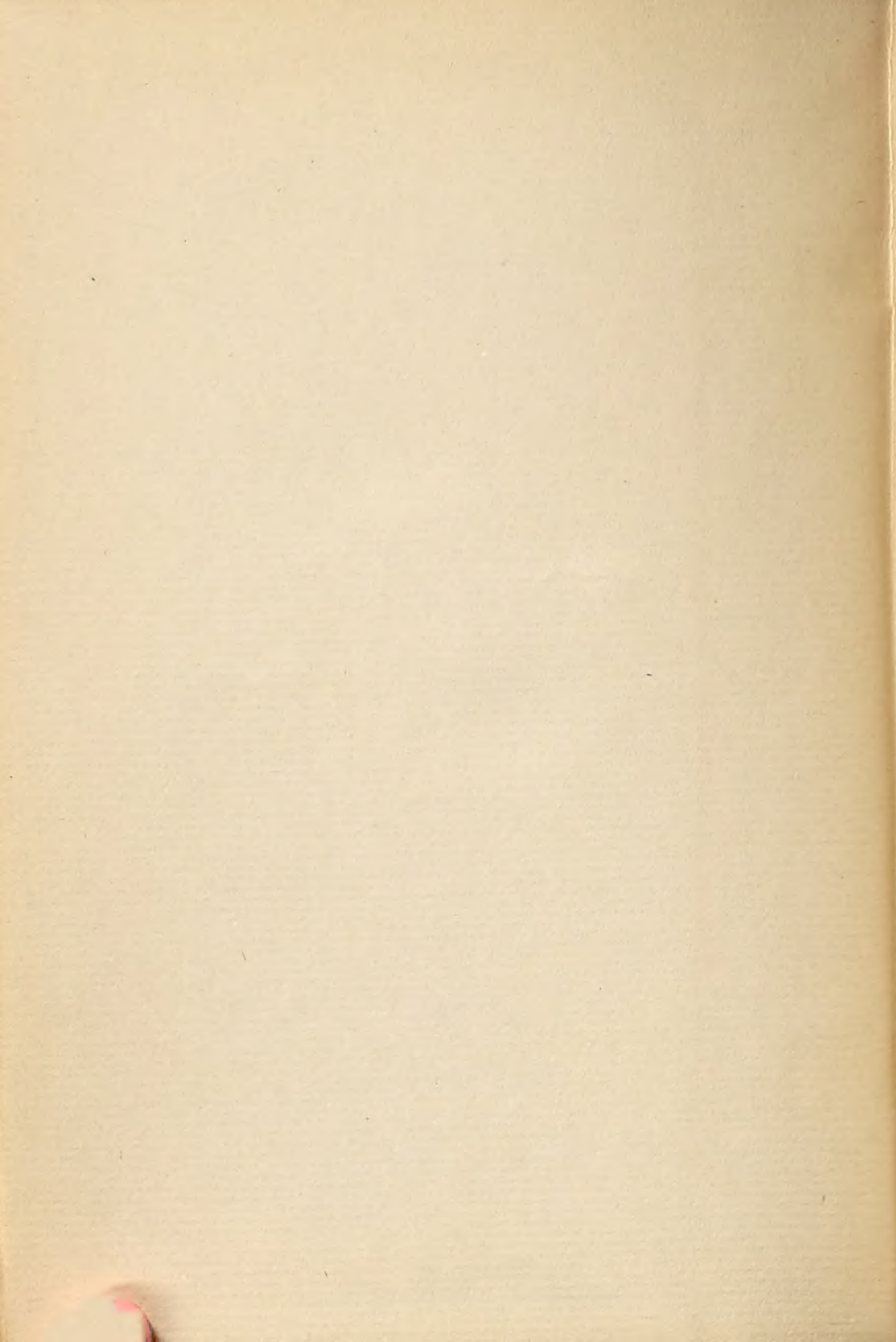
They must carry it through all the different steps to satisfy the public, and he knew the noble Lord (Sandon, Chairman) and the Committee had not done so. He begged to ask the Secretary for the Home Department if his (Mr. Duncombe's) letters had been examined or not, since the gentleman came into office.

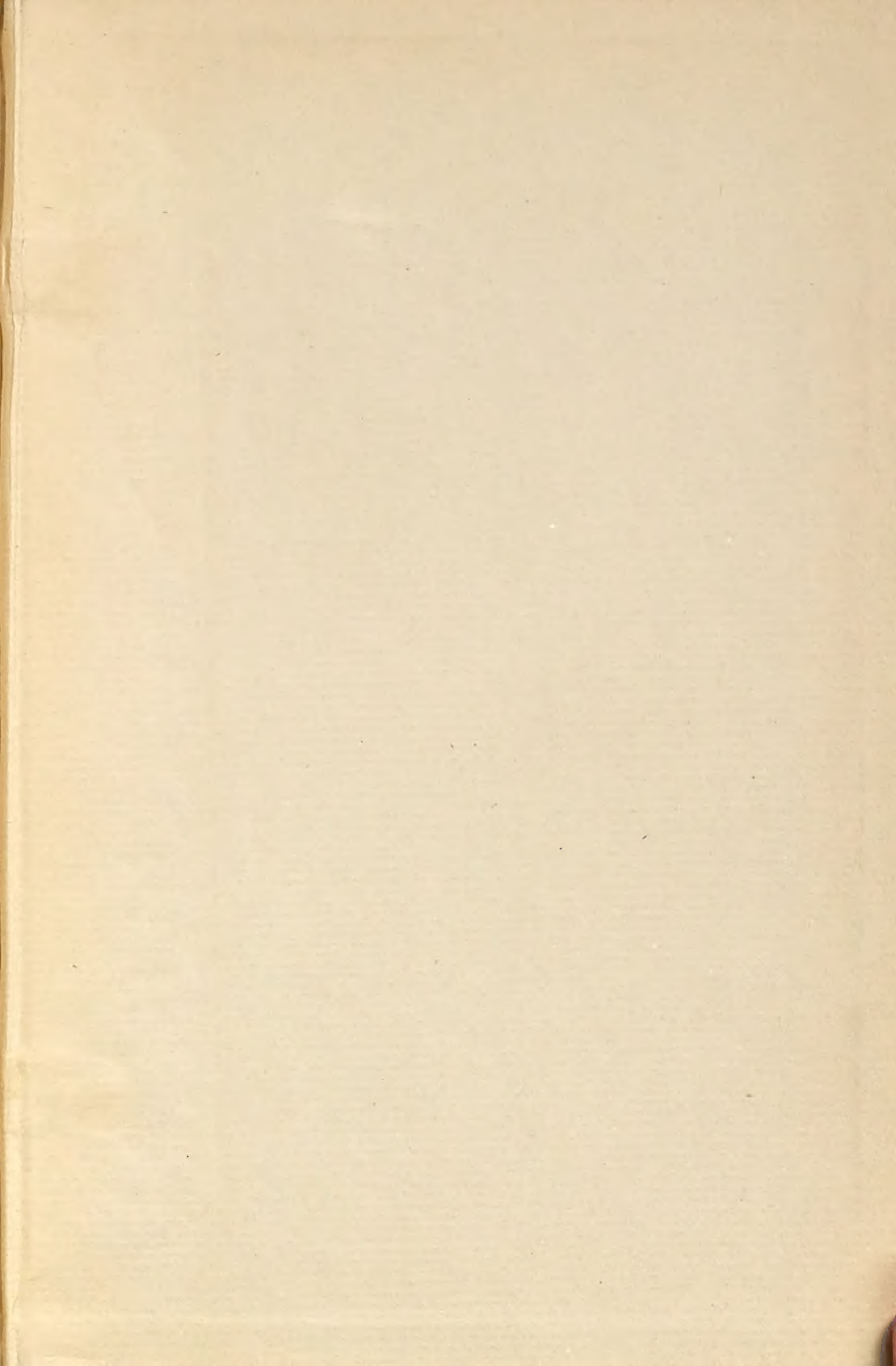
Sir J. Graham. — "Consistently with my sense of duty, I cannot answer, and will not answer this question." Division on Mr. Duncombe's motion — Ayes, 51 ; Noes, 141. Majority, 90.

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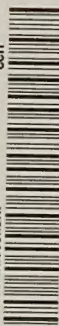
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